

Stevie J. Stevenson

FULL NAME

COMMITTED NAME (if different)

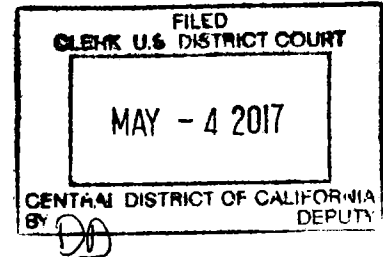
Centinela State Prison

FULL ADDRESS INCLUDING NAME OF INSTITUTION

2302 Brown Road, Imperial, Ca. 92251

K-16324

PRISON NUMBER (if applicable)



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Stevie J. Stevenson

CASE NUMBER

**CV 17-03367-JSC(JC)**

To be supplied by the Clerk

Los Angeles District Attorney's PLAINTIFF,  
Los Angeles County; v. Office  
Los Angeles Superior Court Judge Craig  
Richman, Los Angeles District Attorney's  
Office Corene Locke-Noble, et al., DEFENDANT(S).  
James S. Bisnow, attorney

CIVIL RIGHTS COMPLAINT  
PURSUANT TO (Check one)

☒ 42 U.S.C. § 1983

☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

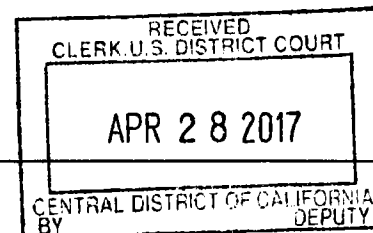
1. Have you brought any other lawsuits in a federal court while a prisoner: ☒ Yes ☐ No
2. If your answer to "1." is yes, how many? 1

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

(a) On December 12, 2016, a 42 USC §1983 civil lawsuit was filed against the Secretary of the California Department of Corrections and Rehabilitation et al., for stopping the order of ALL law books, changing the law system from West Law to Lexis (saying that both systems were EQUIVALENT) when they were not, for limiting legal research from 2 hours a week to 30 minutes a week of that; the prison mailroom opened confidential legal work product (affidavits, declarations documents) and took them, opening up legal confidential mail out of Plaintiff's presence, preventing Plaintiff from mailing out legal confidential mail to courts, attorneys, not allowing Plaintiff law books from circulating law library to conduct research with and for refusing to allow audio discs for criminal case when other inmates can have theirs.

Case name: Stevenson v. Jeffrey Beard, Secretary CDCR et al., Case No: 3:16-cv-03079-JLS-PCL

(b) Sometime in 2010, Plaintiff filed a lawsuit against a Correctional Officer for Retaliation and Battery in the Imperial County Superior Court. Upon request of the Attorney General and not Plaintiff's the lawsuit was removed from the State Court to the Federal Court United States District Court, Eastern District of California, case number 1:10-cv-01401 AWI-DLB.



- a. Parties to this previous lawsuit:  
Plaintiff Stevie J. Stevenson et al.,
- Defendants Jeffrey Beard, PHD Secretary CDCR; Scott Kernan, Undersecretary/ Secretary CDCR; Shannon Swain, Acting Superintendent Education; R. Madden Warden et al.,
- b. Court U.S. District Court, Southern District of California (San Diego)
- c. Docket or case number 3:16-cv-03079-JLS-PCL
- d. Name of judge to whom case was assigned Janis L. Sammartino; Magistrate Peter C. Lewis
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) Still Pending
- f. Issues raised: Denial of Due Process for stopping order of ALL LAW BOOKS in CDCR; changing law system on computers from West-Law to Lexis-Nexis saying two systems were EQUIVALENT when they're not, limiting research form 2 hrs a week to 30 mins
- g. Approximate date of filing lawsuit: December 19, 2016
- h. Approximate date of disposition N/A

## B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☐ Yes ☐ No

2. Have you filed a grievance concerning the facts relating to your current complaint? ☐ Yes ☐ No

If your answer is no, explain why not \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Is the grievance procedure completed? ☐ Yes ☐ No

If your answer is no, explain why not \_\_\_\_\_  
\_\_\_\_\_

4. Please attach copies of papers related to the grievance procedure.

## C. JURISDICTION

This complaint alleges that the civil rights of plaintiff \_\_\_\_\_  
(print plaintiff's name)

who presently resides at \_\_\_\_\_  
(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

\_\_\_\_\_  
(institution/city where violation occurred)

CIVIL RIGHTS COMPLAINT

- a. Parties to this previous lawsuit:

Plaintiff Stevie J. Stevenson

Defendants Brian Kellums, Correctional Officer

- b. Court United States District Court, Eastern Division

- c. Docket or case number 1:10-CV-01401

- d. Name of judge to whom case was assigned Dennis L. Beck

- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) Settled

- f. Issues raised: Retaliation; Battery upon Inmate

- g. Approximate date of filing lawsuit: N/A

- h. Approximate date of disposition Unknown

## B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☐ Yes ☐ No

2. Have you filed a grievance concerning the facts relating to your current complaint? ☐ Yes ☐ No

If your answer is no, explain why not \_\_\_\_\_

3. Is the grievance procedure completed? ☐ Yes ☐ No

If your answer is no, explain why not \_\_\_\_\_

4. Please attach copies of papers related to the grievance procedure.

## C. JURISDICTION The Court has supplemental jurisdiction over Plaintiff's state law claims under Title 28 U.S.C. §1367.

This complaint alleges that the civil rights of plaintiff Stevie J. Stevenson

(print plaintiff's name)

who presently resides at 2302 Brown Road, Imperial, Ca. 92251; Centinela State Prison

(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

Los Angeles Superior Court, 210 W. Temple Street, Dept #120, LA, Ca. 90012-3210

(institution/city where violation occurred)

## CIVIL RIGHTS COMPLAINT

on (date or dates) 12-21-2015 1-15-2015 November 2015  
(Claim I) (Claim II) (Claim III)

**NOTE:** You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant Criag Richman, Judge resides or works at  
(full name of first defendant)  
Los Angeles Superior Court, 210 W. Temple St, Dept #120, LA, Ca. 90012  
(full address of first defendant)  
Judge  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Employed by the County of Los Angeles as a Superior Court Judge

2. Defendant Corene Locke-Noble resides or works at  
(full name of first defendant)  
340 West Temple Street, Rm #540, Los Angeles, Ca. 90012  
(full address of first defendant)  
Deputy District Attorney, State Bar Number 97690  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Employed by the County of Los Angeles as a Deputy District Attorney

3. Defendant James S. Bisnow resides or works at  
(full name of first defendant)  
117 East Colorado Blvd., Suite #600, Pasadena, Ca. 91005  
(full address of first defendant)  
Attorney, State Bar Number 65224  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Employed by the County of Los Angeles as an attorney appointed by the

ICDA

4.

4. Defendant Jackie Lacey resides or works at  
(full name of first defendant)  
211 W. Temple Street, Suite #1200, Los Angeles, Ca. 90012  
(full address of first defendant)  
District Attorney Los Angeles County  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Employed by the County of Los Angeles as the District Attorney

5. Defendant Zeke Perlo resides or works at  
(full name of first defendant)  
1055 W. 7th Street, Suite #2700, Los Angeles, Ca. 90017  
(full address of first defendant)  
LA County Bar Director of the Indigent Criminal Defense Appointments Office  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Employed by the Los Angeles County Bar as the Director of the Indigent

Criminal Defense Appointments Office

D. CLAIMS\*

CLAIM I

The following civil right has been violated:

Plaintiff was denied due process under the Fourteenth Amendment to the United States Constitution as a result of Defendant Craig Richman depriving Plaintiff of his Liberty Interest in utilizing state law entitlement §1054.9 to request discovery and to submit a pitchess and brady motion with supporting documentation as afforded defendants similarly situated and sentenced to Life Without the Possibility Parole and to be self-represented during the 1054.9 proceedings as other defendants similarly situated are allowed to utilize as an aid with preparing a petition for writ of habeas corpus or after one has been filed, or after a motion to vacate the judgment has been submitted.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each

DEFENDANT (by name) did to violate your right.

1. On January 1, 2003, the California Legislature added section §1054.9 to the Penal Code. (Stats.2002, ch. 1105, §1, enacting Sen Bill No. 1391 (2001-2002 Reg. Sess.) (Senate Bill 1391) PC1054.9 subdivision(a) states: "Upon the prosecution of a postconviction writ of habeas corpus or a motion to vacate a judgment in a case in which a sentence of death or of life in prison without the possibility of parole has been imposed and on a showing that 'good faith' efforts to obtain discovery materials from trial counsel were made and were unsuccessful, the Court **SHALL** except as provided in subdivision (c), order that the **DEFENDANT** be provided reasonable access to any of the materials described in subdivision (b)."

PC1054.9 subdivision(b) states: "For purposes of this section, 'discovery materials' means materials in the possession of the prosecution and law enforcement authorities to which the same **DEFENDANT** would be entitled to at time of trial." This state law entitlement had

*\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

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CLAIM I CONTINUED

created a "Liberty Interest" that is protected and guaranteed by the Due Process Clause of the 14th Amendment. Hicks v. Oklahoma, 447 U.S. 343(1980)

In 2004 the California Supreme Court in In re Steele, interpreted §1054.9 as follows: "[W]e interpret 1054.9 to require the trial court, on a proper showing of a good faith effort to obtain the materials from trial counsel, to order discovery of specific materials currently in the possession of the prosecution or law enforcement authorities involved in the investigation or prosecution of the case that the **DEFENDANT** can show either(1) the prosecution did provide at time of trial but have since been lost to the **DEFENDANT**; (2) the prosecution should have provided at time of trial because they came within the scope of a discovery order the trial actually issued at that time, a statutory duty to provide discovery or the constitutional duty to disclose exculpatory evidence; (3) the prosecution should have provided at time of trial because the defense specifically requested them; or (4) the prosecution had no obligation to provide at time of trial absent a specific request, but to which the **DEFENDANT** would have been entitled at time of trial had the **defendant** specifically requested them." Steele, 32 Cal.4th 682, 697 (2004) The Steele Court also recognized that §1054.9 provided a vehicle for obtaining discoverable items that may have been improperly withheld by the prosecution when it stated: "[T]he reports do not mention other problems such as the possibility that prosecutors did not fulfill their duty to provide discovery." ... Steele, Id at 694

In 2006 the Second Appellate District in Hurd v. Superior Court, 50 Cal.Rptr.3d 893 (Cal.App. 2 Dist 2006) held that PC1054.9 authorizes a pre habeas corpus motion for discovery from a Police Officer's personnel records pursuant to Pitchess v. Superior Court, 11 Cal.3d 531, 537-538 (1974); California Evidence Code Sections 1043-1045.

In 2010, the Third Appellate District in Burton v. Superior Court, 105 Cal.Rptr.3d 604, 605 (Cal.App. 3 Dist 2010) stated: "There's no statutory requirement that a **DEFENDANT** be represented by an attorney at the time he [she] pursues a section PC1054.9 motion." The Court continued by stating: "[N]othing in the language of section 1054.9 limits the statute to **DEFENDANTS** who are currently represented by counsel. Rather subdivision(a) of section 1054.9 provides that if conditions are satisfied, 'the court **SHALL** ... order that **THE DEFENDANT**' be provided reasonable access to any materials described in subdivision (b). There

2. On August 9, 2012, Plaintiff Stevie J. Stevenson filed a PC §1054.9 motion for postconviction discovery without requesting the appointment of counsel. (Exhibit #1) This motion was filed as a result of Plaintiff receiving new evidence that a prosecution witness, Tracey Gosha, was threatened with a 20 year prison term and placement of her son in foster care if she didn't tell the police what they wanted to hear. (Exhibit #2) Ms. Gosha stated that the police told her statements and that she just agreed with those statements out of fear of losing her son.

3. On or around October 5, 2013, Plaintiff received an affidavit from

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Kevin Richardson (co-defendant) recanting his testimony stating that he lied on Plaintiff due to his life and that of his family being threatened by the men who actually committed the crime for which Plaintiff is serving his life without parole sentence. (Exhibit #3)

4. On or around November 17, 2013, Christa Hohmann, appointed by the Court for the §1054.9 proceeding, provided Plaintiff with the discovery material disclosed by the Los Angeles District Attorney's Office. (Exhibit #4) Upon reviewing the items of discovery provided by the LADA's Office, Plaintiff determined that those items mirrored the items of discovery that was provided to his trial attorney John J. Cheroske in 1992, before his trial.

5. In February 1992, Plaintiff's trial attorney filed a detailed motion for discovery material. (Exhibit #5) In 1994, after Plaintiff's direct appeal and first petition for writ of habeas corpus were denied his appellate attorney Ivy Kessel received Plaintiff's attorney's trial file. (Exhibit #6 ¶4-5) The items of discovery provided by the LADA's Deputy Patricia Wilkinson consisted of the items listed in Exhibit #7.

A look at exhibits #7 (provided in 1992) and exhibit #4 (provided in 2013) shows that both list mirror one another with the exception of points 11, 15 & 17 which were never provided to Plaintiff's trial attorney in exhibit #7.

5. In January of 2015, a LaMount Johnson, brother of LaTanya Johnson (prosecution witness) stated in a signed affidavit that his sister told him that she was grabbed by the neck, choked and slammed up against a metal garage door while being questioned during her arrest. Mr. Johnson stated that his sister LaTanya told him that while she was at the police station she was threatened with more physical harm and a life sentence if she didn't say what she was told by the police. (Exhibit #8)

6. In January of 2015, Plaintiff's family obtained two civil lawsuits Los Angeles Superior Court case numbers #BC002201 & #BC020272 and a Log number to a Los Angeles Police Department Personnel Complaint Internal Affairs IA #90-469M. (Exhibits #9, #10 & #11) Held within the lawsuits were allegations by Ms Johnson (prosecution witness) and three others Donald Manuel, Denise Manuel and Diane Manuel that they were physically assaulted battered and threatened while being arrested by the LAPD.

Held within the lawsuits were the names of LAPD Officers who were involved in the physical assault of Ms. Johnson and The Manuels. One name of utter importance was that of lead investigator LAPD RHD detective Norman Jackson #15526. (Exhibit #12)

Also found in the lawsuit was an award of arbitrator that showed on July 8, 1992, just 21 days before Plaintiff's July 29, 1992, trial an arbitrator ruled in favor of Ms. Johnson and The Manuels. (Exhibit #13)



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7. Plaintiff reviewed all of the items of discovery in exhibit #7 that was disclosed to his trial attorney in 1992 and determined that there were many items of discovery that were missing. Point 1 within exhibit #7 was an LAPD follow-up report prepared by lead investigators Norman Jackson #15526 and Larry Hedwall #20619. Point 1 is enclosed as exhibit #14 and on page 2 of exhibit #14 detectives Jackson and Hedwall describe the arrest of Ms. Johnson and The Manuels.

Detectives Jackson and Hedwall documented that the Special Investigation Section (SIS) along with the Speacial Weapons and Tactics (SWAT) team arrested The Manuels and Ms. Johnson with them. Plaintiff looked into the (SIS) and determined that the SIS specialized in ALL kidnap money exchanges and was a unit that was known for unethical conduct. (Exhibit #15, #15A & #15B)

8. On or about January 15, 2015, Plaintiff through attorney Christa Hohmann submitted an informal request for 192 items of discovery that was never provided by the LADA's Office. (Exhibit #16)

9. Plaintiff determined that many reports from Officers in Los Angeles and San Diego were never provided nor were the identities of the SIS detectives divulged, therefore he prepared a "Pitchess & Brady" motion and asked that Christa Hohmann file a pitchess motion to which she refused.

10. On February 25, 2015, Deputy District Attorney Corene Locke-Noble responded to the January 15, 2015, informal request for 192 items of discovery and refused to provide ANY discovery material. (Exhibit #17)

11. On or about February 2, 2015, Plaintiff submitted a declaration with exhibits #10-#13 apprising Judge Craig Richman that the lead investigators in his case were involved in the assault and battery of suspects and that the prosecution covered that information up. (Exhibit #18)

12. Due to attorney Hohmann's refusal to file a pitchess motion a conflict arose which led to her withdrawing from Plaintiff's §1054.9 motion. on July 8, 2015.

13. On July 8, 2015, attorney Judith Rochlin was appointed as counsel, however, on September 29, 2015, Ms. Rochlin withdrew from the case due to family illness. (Exhibit #19)

14. On October 29, 2015, Plaintiff filed a motion to compel discovery to the Los Angeles Superior Court. (Exhibit #20)

15. On November 6, 2015, attorney James S. Bisnow was appointed to represent Plaintiff.

16. On or about November 7, 2015, Plaintiff's wife contacted attorney Bisnow in order to set up a time she could provide Bisnow with Plaintiff's legal material.

17. On or about November 9, 2015, Bisnow called Mrs. Misty Stevenson

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and immediately said "is this guy [Stevie/Plaintiff] playing games because I spoke to the district attorney who said that this guy is playing games." Bisnow then told Mrs. Stevenson that he does not have time for games and in order for her husband [Plaintiff] to receive his 1054.9 discovery, he [Plaintiff] needs to prove to him [Bisnow] that he is innocent. Bisnow went on to tell Mrs. Stevenson that he had no intentions of listening to a "jailhouse lawyer." (Exhibit #21 ¶3-4)

18. On or about November 10, 2015, after being told what Bisnow stated to his wife Plaintiff called Bisnow to discuss his case and the disrespect towards his wife. During that conversation Bisnow told Plaintiff that he was just another GUILTY inmate bothering both the courts and district attorney asking for discovery, that if it was up to him he would not give Plaintiff ANY discovery. In response to that conversation Plaintiff wrote Bisnow a letter.

19. On or about December 13, 2015, during another conversation Bisnow told Plaintiff that he must have flunked out of school because his English wasn't too good. Plaintiff wrote Bisnow a letter and carbon copied one to Judge Criag Richman. (Exhibit #22)

20. On December 21, 2015, Plaintiff filed a motion to discharge Bisnow which was denied by Judge Craig Richman. (Exhibit #23)

21. On or about January 10, 2016, Plaintiff wrote Bisnow a detailed letter explaining what he wanted filed in concerns to his discovery request and pitchess motion for an in camera review of the personnel records of officers from the LAPD and SDPD. (Exhibit #24) In addition Plaintiff specifically requested that Bisnow not file ANYTHING to the court without his approval.

22. On or about February 3, 2016, attorney Venita Ray, author of exhibit #2, contacted attorney Bisnow to discuss the status of Plaintiff's discovery proceeding. During that conversation Mr. Bisnow made disparaging remarks about Plaintiff's perspective of the case and openly questioned the need for all of the documents Plaintiff had directed him to obtain. Bisnow referred to Plaintiff as a "jailhouse lawyer" who lacked real world understanding of the law. (Exhibit #25)

23. On or about February 14, 2016, Plaintiff filed a complaint to the Indigent Criminal Defense Appointments Chairperson Zeke Perlo and explained the problems he was having with attorney Bisnow and asked that Bisnow be removed from his case. (Exhibit #26)

24. On February 24, 2016, Plaintiff wrote Judge Richman asking that Bisnow be taken off of his case due to the problems and conflict that hindered Plaintiff's ability to ask for certain discovery material. (Exhibit #27)

25. On March 15, 2016, Bisnow sent Plaintiff a copy of a draft motion for discovery that "Bisnow" planned to file. (Exhibit #28)

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26. On March 16, 2016, Plaintiff wrote Judge Richman a letter requesting to file his own "Pitchess & Brady" motion. (Exhibit #29)

27. On or about March 21, 2016, Plaintiff, after reviewing the inept discovery request prepared by Bisnow telephoned Bisnow in order to discuss his reasoning for failing to request all of Plaintiff's request as exhibited in exhibit #16. Bisnow told Plaintiff that due to the Judge not removing him from the case he could do what he wanted, that due to Plaintiff having Life Without the POSSibility of Parole Plaintiff had NO SAY SO in the \$1054.9 proceeding. When Plaintiff further questioned Bisnow about not asking for all of his discovery Bisnow hung the phone up in Plaintiff's face.

28. On March 24, 2016, Plaintiff wrote Bisnow a letter again directing him to request ALL of his discovery material that he specifically prepared. (Exhibit #30)

29. On March 25, 2016, Plaintiff wrote an attorney complaint to Judge Richman, Judge William Ryan and Zeke Perlo, Chairperson of the ICDA. (Exhibit #31) In addition to the attorney complaint letter Plaintiff filed a complaint with the State Bar against attorney James S. Bisnow. (Refer to case #16-12806)

30. On April 6, 2016, Plaintiff filed a motion to Amend January 2016 list of discovery presented by Attorney James S. Bisnow for this \$1054.9 proceeding. Plaintiff presented to the Court that the discovery request submitted by Bisnow did not represent the items that he had been requesting since 2012. (Exhibit #32)

31. On April 23, 2016, Bisnow sent Plaintiff a letter stating that the Court authorized him to file a "Hurd" motion (Pitchess & Brady) and asked that Plaintiff send him his draft motion. (Exhibit #33)

32. On or about April 30, 2016, in response to Bisnow's 4-23-2016 letter, Plaintiff sent Bisnow a very detailed "Pitchess & Brady" motion with supporting documentation that included exhibits #2, #4-#18 and provided him with a specific discovery request with supporting documents, (Exhibits #34 & #35), and asked that his request be submitted to the Court.

33. On May 2, 2016, Plaintiff sent a letter to Judges Craig Richman and William Ryan and to Zeke Perlo the Chairperson for the ICDA stating that there was a conflict of interest between him and attorney Bisnow and Plaintiff requested to be self represented. (Exhibit #36)

34. Sometime in May of 2016, due to Plaintiff being locked out of his \$1054.9 proceeding where he could not represent himself or submit his specific discovery request or pitchess motion, he wrote California Senator Holly J. Mitchell of the Thirtieth Senate District asking for assistance with apprising the Judge and District Attorney that he was being denied the right to ask for the discovery that he wanted.

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35. Plaintiff received a letter dated June 13, 2016, from attorney Bisnow that informed him that the discovery motion and pitchess motion were filed. Bisnow included a copy of the discovery request and a copy of the pitchess motions, one for the LAPD and the other for the SDPD. (Exhibits #37 & #38) Bisnow told Plaintiff that if there were any other materials relating to discovery and/or request for discovery which Plaintiff wanted to make the court aware, that he should forward those material request and Bisnow would make sure the ocurt received them.

36. Plaintiff received a letter dated June 14, 2016, from Senator Holly J. Mitchell. The letter was addressed to the Honorable Craig Richman concerning Plaintiff's concerns about the adequacy of Bisnow's strategy concerning discovery. This letter was also sent to Deputy District Attorney Corene Locke-Noble. (Exhibit #39)

37. On June 15, 2016, Plaintiff filed Objections to Bisnow's filing of pitchess motion and asked to submit "Pitchess" motion in pro-per due to conflict of interest between counsel and Plaintiff. (Exhibit #40)

38. On June 17, 2016, Plaintiff wrote a letter responding to Bisnow's June 13, 2016 letter (Exhibit #41) and again gave a very detailed explanation of what he wanted filed and included exhibits and documents to substantiate his discovery request and pitchess motion. (Exhibit #42)

39. On June 27, 2016, Bisnow sent Plaintiff a letter thanking him for his submissions and stated that he would make the Judge aware on the record of Plaintiff's position. Bisnow apprised Plaintiff that there was a hearing set for July 14, 2016. Plaintiff asked to attend this hearing but was denied. (Exhibit #43)

40. On July 5, 2016, Plaintiff wrote Bisnow a letter concerning the discovery request and Pitchess motions that were filed without asking for ALL the items requested by Plaintiff or submitting all of Plaintiff's exhibits and documents to support his pitchess motion. Plaintiff asked Bisnow to respond to his specific request and Bisnow never responded. (Exhibit #44)

41. On July 14, 2016, Plaintiff's §1054.9 discovery evidentiary hearing was held without allowing him to be present either in person, by video conference or telephonically despite his specific request.

42. Plaintiff states unequivocally that everything that attorney Bisnow stated at the July 14, 2016, hearing, that he was not allowed to attend was without his knowledge or approval, that the pitchess motions and discovery request were submitted without his approval.

43. During the July 14, 2016, discovery hearing Deputy District Attorney Corene Locke Noble argued that the San Diego Police Department WAS NOT a part of the investigation into the January 19, 1990, kidnapping

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of Melvin Rodriguez. (DHRT 21, 25-27)

44. During the July 14, 2016 hearing Judge Craig Richman stated that in regards to the pitchess request there was no kind of court documentation, a declaration, testimony or anything to substantiate Plaintiff's request for an in camera review of the personnel files of the LAPD and SDPD Officers to prove Plaintiff's allegations that suspects who testified for the prosecution were beaten, assaulted, falsely imprisoned. (DHRT 8 lines 20-27)

Bisnow replied that the ONLY information that 'WE' have was an arbitrator award to support Plaintiff's allegations. The Court address the fact that Plaintiff had filed many documents to the Court, however, the court refused to consider the filings due to Plaintiff being represented by counsel. Judge Richman stated that he was exploring sending all of Plaintiff's filings back unopened. Plaintiff's sister LaWanda Johnson knowing that Bisnow had in his possession the statement of Andre' Burks that prosecution witness Tracey Gosha stated that she was threatened by the police and testified as told by the police under the threat of her son being placed in foster care and her being sent to prison for 20 years (Exhibit #2); that Bisnow had in his possession the affidavit of LaMount Johnson, brother of prosecution witness LaTanya Johnson, who stated that she was assaulted by the LAPD and while being interrogated threatened with more physical harm and a life sentence if she didn't say what they told her to and that during her testimony at Plaintiff's trial she was under the threat of going to prison for life if she didn't say what the police told her to (Exhibit #8); that Bisnow was also in possession of the lawsuits filed by prosecution witness LaTanya Johnson and others due to being assaulted (Exhibits #9 & #10), in possession of the number to the LAPD Personnel complaint IA #90-469M (Exhibit #11) in possession of the names of many LAPD Officers who participated in the assault of Ms. Johnson (Exhibit #12) and in possession of other affidavits, declarations and exhibits to support Plaintiff's pitchess motion; raised her hand in court, not knowing court decorum in an attempt to apprise Judge Richman that she had all of the evidence he seeked and that Bisnow failed to present those documents.

Judge Richman admonished Plaintiff's sister and told her that if she raised her hand again in court she would be removed. (DHRT 10-11)

45. The pitchess motion was denied and the discovery request, as stated was not the items Plaintiff asked to be submitted in light of the informal request of Christa Hohmann. (Exhibit #16)

46. During a recess of the July 14, 2016 hearing, Bisnow told Plaintiff's sister LaWanda Johnson told her that he (Bisnow) needs to know that Plaintiff is innocent before he can request all of his discovery. (Exhibit #45)



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47. Lisa Norwood stated that during the July 14, 2016, discovery hearing recess she observed Plaintiff's sister with papers in her hand asking Bisnow why he didn't ask for all of the discovery that Stevie brought to his attention? Ms. Norwood overheard Bisnow reply that Plaintiff found out about a law that allows prisoners with life to ask for their discovery and that Plaintiff was just another GUILTY inmate bothering the district attorney and courts by asking for at least 300 articles of discovery that Plaintiff didn't need especially when Stevie knew he didn't have anything to prove his innocence. Bisnow added that Plaintiff only filed the discovery motion so that he could come to court and "See the Sights" instead of being inside prison walls. Ms. Norwood stated that she saw Plaintiff's sister with tears in her eyes shaking her head as she walked away. (Exhibit #46 ¶5-9)

48. Ms. LaDwana C. Patterson stated that during the July 14, 2016, discovery hearing she observed Bisnow to be completely ill prepared and disorganized and that it appeared Bisnow was not representing Plaintiff's best interest. (Exhibit #47)

49. Plaintiff received a July 15, 2016, letter from Bisnow telling him that the Pitchess motion was denied because there was no evidence submitted showing that any misconduct was committed by the police that led to a witness testifying falsely. (Exhibit #48)

50. On or about July 22, 2016, Plaintiff telephoned Bisnow and asked about his failure to submit his discovery request and his failure to submit his pitchess motion with the supporting documents. Bisnow told Plaintiff that he was not going to file a Pitchess motion against a career prosecutor and decorated police officers for a GUILTY person like Plaintiff, told Plaintiff "Boy don't call my office anymore!" and hung the telephone up in Plaintiff's face.

51. On or about August 5, 2016, Plaintiff filed a Marsden motion to discharge appointed attorney James Bisnow.

52. Plaintiff received a letter dated September 26, 2016, from Bisnow stating that Private Investigator Robert Freeman was coming to visit so that he could play the audio tapes. In addition Bisnow apprised Plaintiff that the Los Angeles District Attorney sent him two large envelopes that Plaintiff sent to them unopened and asked where did Plaintiff want the envelopes mailed to. (Exhibit #49)

53. On October 20, 2016, Plaintiff's discovery evidentiary hearing was held, without allowing him to attend by phone, physically or by video conference. During the discovery hearing Judge Richman stated that he was denying Plaintiff's Marsden motion. (II DHRT 2-3) Judge Richman also made a decision that Plaintiff did not need the audio tapes of the interviews of witnesses. (II DHRT 4-6)

During the hearing Deputy District Attorney Corene Locke-Noble stated: "This is my-- I talked to Mr. Bisnow about this. I filed a

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report. Once he picks up the remaining medical records-- I believe the outstanding discovery I gave Mr. Bisnow, a declaration from detective Harris, who indicated there was investigation by the San Diego police department contained in the LAPD file. (Exhibit #50) I will file a third progress report and a proposed order (Exhibit #51) for the court to review and sign, deeming discovery completed at this point in time and I will present that to Mr. Bisnow. (II DHRT 7 lines 2-12)

54. Plaintiff received a letter dated October 21, 2016, from Bisnow stating that Private Investigator Robert Freeman would be coming to visit in order for Plaintiff to listen to the audiotapes. Bisnow stated that the prosecutor filed a "progress report" that he attached for Plaintiff to review, that there were medical records which Bisnow planned to pick up and make a copy and after that there was NO OUTSTANDING DISCOVERY.

Bisnow stated that the next court date was December 13, 2016, and that on that day the prosecution would urge the court to sign an order closing the discovery motion and the case. (Exhibit #52)

55. On November 1, 2016, Plaintiff wrote Bisnow a letter and explained that there were many items of discovery that were STILL OUTSTANDING, that there was evidence that was not presented with his pitchess motion. Plaintiff enclosed exhibits #34 & #35 with ALL attachments and exhibits to support his request asking Bisnow to submit it to the court, but was ignored. (Exhibit #53)

56. On November 8, 2016, Plaintiff was visited by Investigator Freeman who allowed Plaintiff to listen to the audiotaped interviews of witnesses and/or suspects and telephone calls. (Exhibit #54)

While listening to the audiotaped interview of Ms. Tracey Gosha (prosecution witness) Plaintiff overheard Ms. Gosha distraught and crying as Sergeant A. Johnson of the San Diego Police Department told her statements that she just answered yes to. This audiotape bolsters exhibit #2.

While listening to the audiotaped interview of Charles McMath (juvenile) who was assaulted, McMath told Officer J.E. Navarro that his head was "all messed up."

While listening to the audiotaped conversation between LAPD detectives Norman Jackson (call sign Foxfire) and Reeser detective Jackson stated that the victim Melvin Rodriguez was under the investigation for the sales of drugs.

57. Plaintiff was denied a copy of those audiotapes and/or a transcript of the tapes as well. (II DHRT 4-7)

58. On November 27, 2016, Plaintiff wrote a letter to Judges Richman, William Ryan and Supervising Judge James Brandlin asking that his 1054.9 motion for postconviction discovery not be closed because he

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had not been afforded the right to submit his own discovery request or submit his pitchess and brady motion with the supporting documents. (Exhibit #55)

59. On November 27, 2016, Plaintiff also wrote Los Angeles District Attorney Jackie Lacey apprising her that Deputy District Attorney Corene Locke-Noble submitted a proposed order to close the discovery proceeding by saying that all discovery was completed, however there were many items of discovery that had not been provided. (Exhibit #56)

Plaintiff brought to District Attorney Lacey's attention that his trial attorney filed a detailed motion for discovery, (Exhibit #5), and that the prosecution only provided the items listed in exhibit #7. Plaintiff also brought to District Attorney Lacey's attention that since the 2012, filing of his discovery motion the LADA's Office only provided exhibit #4 in 2013 and exhibit #57 in 2016.

Plaintiff asked District Attorney Lacey to compare those items provided in 1992 (exhibit #7), 2013 (exhibit #4) and in 2016 (exhibit #57) with the list of discovery that is STILL OUTSTANDING. (Exhibit #35) Plaintiff never received a response despite his request for not only a fair oppotunity to present his discovery request but to ensure that his discovery hearing would not be closed.

60. On December 13, 2016, Plaintiff's §1054.9 discovery hearing was held, without allowing him to attend physically, by telephone or by video conference. During the hearing both Deputy District Attorney Corene Locke-Noble and attorney James Bisnow stood before the Honorable Judge Craig Richman and stated that ALL discovery was completed and that the 1054.9 motion could be closed. These statements were made despite DDA Locke-Noble being presented with an informal response on January 15, 2015, that she failed to respond to (Exhibit #16), and attorney Bisnow ignoring Plaintiff's discovery request in exhibit #35 and pitchess motion in exhibit #34.

61. As Judge Richman was about to close Plaintiff's discovery proceeding an attorney Naren M. Hunter Cal Bar #163504 stepped forward and stated that he was hired by the family of Plaintiff and that he was hired for the sole purpose of submitting Plaintiff's discovery request and pitchess motion. Due to this new revelation Judge Richman postponed the hearing until April 20, 2017.

62. After the hearing attorney Naren Hunter was approached by attorney Bisnow who told him that Plaintiff was GUILTY and that he should not represent a GUILTY man.

63. After his conversation with Bisnow attorney Hunter asked Plaintiff's wife Mrs. Misty Stevenson could he walk her to her car, that he needed to speak with her, but only outside due to the walls having ears. Once outside attorney Hunter explained to Plaintiff's wife that attorney Bisnow had some personal vendetta against Plaintiff, that Bisnow expressed his view of Plaintiff being a GUILTY person and should not be helped.



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64. On or about January 5, 2017, Plaintiff spoke with attorney Naren Hunter and during this conversation attorney Hunter stated that he talked to Plaintiff's former attorney James Bisnow and was shocked to hear an Officer of the Court speak with such disdain about a former client as Bisnow did in concerns to Plaintiff being GUILTY in his, Bisnow's view. Attorney Hunter also apprised Plaintiff that Judge Craig Richman ordered him not to give Plaintiff a copy of the audio recordings or make a transcript of those recordings.

65. Plaintiff states that attorney Bisnow called attorneys Dennis Fischer of Santa Monica, Steffeny Holtz of Beverly Hills and Tracy Dressner of LaCrescenta and spoke in a negative and demeaning way about Plaintiff and his case to the point that attorneys Holtz and Dressner ceased their individual pro-bono assistance for Plaintiff. Dennis Fischer told Plaintiff that as long as Bisnow was working on his case that he could not work with "such a man" (Bisnow).

66. The collective actions and inactions of Los Angeles Deputy District Attorney Corene Locke-Noble and appointed attorney James S. Bisnow has deprived Plaintiff of receiving and/or requesting discovery material as afforded state law entitlement §1054.9, which has hindered Plaintiff with obtaining discovery materials of 'Interest' that may have a direct impact on gaining his "Liberty." Both DDA Locke-Noble and attorney Bisnow's common objective was to have Plaintiff's §1054.9 motion closed by misleading the Court and saying, on the record, that Plaintiff had received ALL OF THE DISCOVERY, that the proceeding was COMPLETE so that the postconviction motion could be terminated, thus denying Plaintiff the Right to at least ask for and possibly obtain material information from discovery items and the personnel files of many Officers from both the LAPD and SDPD.

The record clearly shows the Los Angeles District Attorney's Office only provided exhibit #7 to Plaintiff's trial attorney in 1992, that since the 2012 filing of the §1054.9 motion the LADA's Office only provided items listed in exhibit #4 in 2013 and items listed in exhibit #57 in 2016. Both DDA Locke Noble-Noble and attorney Bisnow was made aware that there were many items of discovery that was missing; in January 2015, Locke-Noble was presented with an informal request for discovery items (exhibit #16) and Locke-Noble refused to provide ANY of the materials requested. (Exhibit #17) Attorney James Bisnow was made aware of the January 15, 2015 informal request for discovery in exhibit #16 and presented with both a discovery request (Exhibit #35) and a pitchess motion (Exhibit #34) both prepared by Plaintiff yet ignored those request and submitted his own discovery request (exhibit #28) and two pitchess motions (Exhibits #37 & #38) without Plaintiff's approval.

On December 13, 2016, when DDA Locke-Noble and attorney Bisnow stood before the Honorable Craig Richman, Judge and stated that ALL DISCOVERY WAS COMPLETE and that the §1054.9 postconviction motion could be closed they shared a common objective to deprive and prevent Plaintiff from asking for and receiving discovery material as afforded state

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law entitlement §1054.9 where their minds were in agreement to violate Plaintiff's constitutional due process right to obtain pertinent information from documents, audiotapes and the personnel records of many Officers from the LAPD and SDPD who were directly involved in misconduct that was deliberately covered up by the prosecution.

67. Plaintiff asks this Honorable Court to take **JUDICIAL NOTICE** to a case called **Miller v. Brown**, 2014 U.S. Dist Lexis 15116; case number, 1:12-cv-01589-LJO-BAM(PC) a case where Bisnow was sued for working with the prosecution to keep a defendant in prison; Plaintiff is of the same feeling.

68. On April 7, 2017, Plaintiff filed a §1054.9 motion for postconviction discovery and a "Pitchess & Brady" motion in the Los Angeles Superior Court due to not hearing from attorney Hunter since January of 2017. (Exhibits #58, #59 & #60) Plaintiff believes that his family and friends should not have to pay an attorney just to be allowed to submit his discovery request and pitchess motion even though Judge Richman has mandated that is the only way Plaintiff can have access to his §1054.9 proceeding.

69. On April 17, 2017, Plaintiff sent a letter and attachments to Los Angeles District Attorney Jackie Lacey apprising her of the deliberate withholding and concealing of evidence by her Deputy Corene Locke-Noble. (Exhibit #62)

70. On April 20, 2017, the §1054.9 discovery hearing was held without allowing Plaintiff to attend physically, telephonically or by video conference, where unknown to Plaintiff attorney Hunter was present. Attorney Hunter explained to the Court that due to his being ill and having other issues he needed a continuance. DDA Locke-Noble stated that there was no need for any continuance because the LADA's Office had provided ALL OF THE DISCOVERY MATERIAL AND THERE WAS NOTHING MORE TO BE PROVIDED.

Judge Richman commented that Plaintiff filed a discovery request and pitchess motion (#58, #59 & #60) and that he was not entertaining anything filed by Plaintiff and if he wanted something filed to the court it MUST come from his attorney Hunter.

71. Judge Richman granted attorney Hunter's request for a continuance till August 18, 2017.

72. After the hearing attorney Hunter spoke to Plaintiff's wife and discussed how in his view Plaintiff's case was "HOT" due to the severity of the allegations concerning a sitting Deputy District Attorney covering up police misconduct by deliberately withholding evidence. Attorney Hunter stated that he needed to discuss being paid more money because he did not know that the prosecutor who prosecuted Plaintiff was DDA Patricia Wilkinson who was the Head Deputy District Attorney of the Los Angeles County Major Crimes Unit.

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CLAIM I CONTINUED

73. Plaintiff has obtained evidence that exposes a cover up of Police and Prosecutorial Misconduct and he is being denied his due process and equal protection rights as those similarly sentenced as him to life without parole to be able to submit his discovery request, submit his pitchess motion with supporting documents and be self represented like other inmates during his §1054.9 proceeding that he and he alone initiated in 2012. (Exhibit #1)

74. Plaintiff has obtained evidence that shows what his attorney asked for in his initial discovery request (exhibit #5) and what the Los Angeles District Attorney's Office via DDA Patricia Wilkinson provided. (Exhibit #7) Plaintiff has showed what the LADA's Office through Corene Locke-Noble has provided in 2013 (Exhibit #4) and 2016 (Exhibit #57)

Newly discovered evidence demonstrates that the lead investigators in Plaintiff's case Norman Jackson and Larry Hedwall along with Special Investigation Section (SIS) detectives viciously assaulted, battered and threatened suspects LaTanya Johnson (prosecution witness) and Donald-Denise-Diane Manuel during their arrest, (Exhibits #9, #10, #11 & #14 page 2), however, the prosecution never divulged that information to Plaintiff's trial attorney or to him during the §1054.9 proceeding. Despite SIS detectives Charles Bennett, Jerry Brooks, Brian Davis, Clarence Robert Chapman, John Fruge, Ernie Haleck, John Helms, Richard Spelman, Peter Weirtr, Larry Winston, Gary Zerbey and Richard Zierenberg being directly involved in the arrest and/or assault of Ms. Johnson and The Manuels a review of exhibits #7, #4 & #57 never provided their names, original notes or written reports. Exhibit #14 pages 2-4 shows that lead detectives Jackson and Hedwall interviewed suspects LaTanya Johnson, Denise Manuel, Diane Manuel, Donald Manuel, Kevin Richardson, Charles McMath, Tracey Gosha; victim Melvin Rodriguez; percipient witnesses Inez Alvarenga and Lisa Rogers their original notes written reports and audiotapes WERE NEVER disclosed to Plaintiff's trial attorney and during Plaintiff's state law entitlement §1054.9 proceeding, the LADA's not only failed to provide the material to Plaintiff's attorney in 1992, but has failed to provide those discovery itmes now by stating to Judge Richman that ALL DISCOVERY MATERIAL IS COMPLETE and that everything has been turned over.

In addition despite SDPD Sergeant A. Johnson interviewing suspect Charles McMath (juvenile assaulted by the police) the notes, written report and audiotape has never been disclosed; despite Sergeant J. Wray along with Officers D. Collier, F. Hoerman, C. Medina and J. Dunnam participating in the arrest of Richardson, McMath and Gosha their reports were never provided in 1992 or during Plaintiff's 1054.9 proceeding.

75. Plaintiff is being arbitrarily deprived of the right to participate in state law entitlement §1054.9 so that he can use the proceeding as an aid with obtaining discovery material that was and is currently being withheld by the LADA's Office. The Court has ruled that the only

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way that Plaintiff can submit his discovery request and pitchess and brady motion during the §1054.9 proceeding is, he must accept either attorney James S. Bisnow, who has called Plaintiff GUILTY, told other attorneys that Plaintiff is GUILTY, told Plaintiff's family that he is GUILTY and refused to submit Plaintiff's discovery request and pitchess motion with all supporting documentation, or to have to pay a HEFTY price to a retained attorney to submit his discovery request and pitchess and brady motion, money that Plaintiff doesn't have.

Other inmates sentenced to LWOP like Plaintiff are allowed to participate in their §1054.9 proceeding without an attorney either being appointed or being forced to pay for one, they are allowed to participate in the actual discovery evidentiary hearing either by phone, physically or by video conference, however, Plaintiff is being treated unfairly without justification.

76. Plaintiff poses the question, why is he being arbitrarily deprived the RIGHT to participate in the §1054.9 proceeding, why is he being denied fundamental fairness to submit his discovery request and pitchess motion with supporting documents? Plaintiff has uncovered a Major Cover-Up by a sitting Los Angeles County Deputy District Attorney who runs the Major Crimes Unit. There is a collective effort to CHILL Plaintiff's RIGHT to petition the Government, RIGHT to Freedom of Speech and RIGHT to Access the Court during his §1054.9 proceeding to prevent him from at least asking for and putting evidence on the record that a sitting Deputy District Attorney deliberately covered up gross misconduct by withholding exculpatory and impeachment evidence.

77. Plaintiff's retained attorney Naren Hunter expressed his trepidation about PLaintiff's case being "HOT" due to the allegations and has asked for more money.

78. Judge Craig Richman has ruled that the only way Plaintiff can partake in his §1054.9 proceeding is, accept James S. Bisnow or pay for an attorney (even though YOU personally are indigent) to get your discovery or be shut out a proceeding that was enacted to assist with obtaining discovery material that was improperly withheld. In re Steele, 32 Cal.4th 682, 694(2004)

Judge Richman has ruled that Plaintiff may NOT for any reason have a copy of the audiotaped interviews of Tracey Gosha, Charles McMath and Kevin Richardson along with the conversation between detectives Jackson and Reeser, even though 1054.9 affords Plaintiff a RIGHT to those recordings either by tape or transcripts.

79. Plaintiff has a vested Interest in state law entitlement §1054.9 to gain his Liberty, he ONLY ask the RIGHT to be allowed to submit his discovery request (Exhibit #35) submit his pitchess motion with supporting documents (Exhibit #34), be allowed the RIGHT to attend his §1054.9 hearing by telephone or video conference due to his fear of retaliation from those loyal to Deputy District Attorney Patricia Wilkinson at the County Jail and the Criminal Courts Building where he

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can be attacked and/or hurt; most importantly Plaintiff would like to have the RIGHT to be self-represented to that he can use the §1054.9 statute as it was enacted, that being, to submit his request and use the proceeding as an aid with an Interest in obtaining FREEDOM from bodily restraint from an unlawful conviction as other inmates who have sentences of LWOP are allowed to do, (Exhibit #61), to prove his innocence.

80. Plaintiff states that through the actions and inactions of Los Angeles Superior Court Judge, Craig Richman, Los Angeles Deputy District Attorney Corene Locke-Noble and state appointed attorney James S. Bisnow he was arbitrarily deprived of state law entitlement §1054.9 to fundamental fairness to request his discovery, submit his pitchess motion with supporting documentation, receive discovery material that was informally requested (Exhibit #16), be self represented during the §1054.9 proceeding, participate in the 1054.9 discovery hearing by telephone and/or video conference like other inmates similarly sentenced to LWOP; his due process and equal protection clause RIGHTS as afforded and guaranteed by the 14th Amendment to the United States Constitution and Article I, Section 7(a) of the California Constitution was violated, and his RIGHT to Freedom of Speech, RIGHT to petition the Government and RIGHT to Access the Court during his §1054.9 proceeding that he and he alone initiated in 2012 was CHILLED in violation of the 1st Amednment to the United States Constitution.

The United States Supreme Court in Hicks v. Oklahoma, 447 U.S. 343, 346 (1980) stated:

"A State violates a [prisoner's] due process right to fundamental fairness if it arbitrarily deprives the [prisoner] of a state law entitlement."

D. CLAIMS\*

CLAIM II

The following civil right has been violated:

Plaintiff was denied the RIGHT to Access to the Court in violation of the First Amendment to the United States Constitution by Craig Richman, Judge by refusing to allow Plaintiff to attend his state law entitlement §1054.9 postconviction discovery hearing, either physically, telephonically or by video conference, and denied Plaintiff the right to file his discovery request and pitchess & brady motion to the court infringing upon his liberty interest in utilizing state procedures for those sentenced to death and/or Life Without Parole to request discovery material and be present during a crucial proceeding, and forced Plaintiff to either accept an attorney who called PLaintiff GUILTY and failed to submit all of his discovery request and pitchess motion with supporting documentation; or pay a hefty price for a retained attorney to submit both his discovery request and pitchess motion with supporting documentation, even though other defendants similarly sentenced as Plaintiff were allowed to participate in their §1054.9 state law entitlement proceeding.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

Plaintiff incorporates paragrapgs 1 through 80 as though they were stated fully herein.

*\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*



D. CLAIMS\*

CLAIM III

The following civil right has been violated:

Plaintiff was denied his First Amendment Right to Access to the Court by Appointed Attorney James S. Bisnow for failing to request that Plaintiff be allowed to attend his state law entitlement §1054.9 discovery hearing by telephone or by video conference.

Plaintiff was denied his due process and equal protection rights under the Fourteenth Amendment by Appointed Attorney James S. Bisnow by refusing to submit Plaintiff's discovery request and pitchess & brady motion with supporting documentation. Plaintiff was slandered by Appointed Attorney James S. Bisnow where he actively violated Prof & Busin Code §6068 by telling PLaintiff's family, friends and attorneys that he was GUILTY; Bisnow also mislead and lied to the Court in direct violation of Cal Business and Prof Code 6068(d); Cal Rules of Prof Cond §5-200(B) thus denying PLaintiff's due process right to request and receive discovery material that had a direct on his Liberty Interest by stating that ALL discovery material was COMPLETE and that the §1054.9 state law entitlement proceeding could be closed

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

Plaintiff incorporates paragraphs 1 through 80 as though they were stated fully herein.

*\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

D. CLAIMS\*

CLAIM IV

The following civil right has been violated:

Plaintiff was denied due process under the Fourteenth Amendment to the United States Constitution by Los Angeles Deputy District Attorney Corene Locke-Noble where, during state law entitlement §1054.9 proceeding she refused to provide any of the discovery materials requested on January 15, 2015 (Exhibits #16 & #17) and stood before the Honorable Craig Richman on December 13, 2016 and April 20, 2017, stating that ALL DISCOVERY WAS COMPLETED calling for the close of Plaintiff's §1054.9 proceeding; Locke-Noble violated Cal Business & Prof Code §6068(d); Cal Rules of Prof Conduct where she deliberately mislead and lied to the court concerning discovery material that had a direct impact of Plaintiff's ability to obtain discovery material with a "Liberty Interest."

As a result of violating Plaintiff's due process right to disclose requested material during a state created law DDA Locke-Noble violated Assem Bill 1909, which leaves her open to both felony prosecution and possible civil liability for withholding evidence during §1054.9's proceedings continuing a cover up since 1990.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

Plaintiff incorporates paragraphs 1 through 80 as though they were stated fully herein.

*\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*



D. CLAIMS\*

CLAIM IV

The following civil right has been violated:

Plaintiff was denied due process under the Fourteenth Amendment to request items of discovery and request an in camera review of certain LAPD and SDPD Officers and receive discovery material during his state law entitlement §1054.9 proceeding a 'Liberty Interst' due to the acts of Los Angeles Deputy District Attorney Corene Locke-Noble and appointed attorney James S. Bisnow who "CONSPIRED" to deprive Plaintiff of his constitutional right to request certain discovery material and personnel records and receive discovery materials where DDA Locke-Noble omitted to perform her duty and provide discovery material requested (Exhibit #16) and James Bisnow participated in this act by failing to submit Plaintiff's request a duty both were legally required to do, where they shared a common objective to prevent Plaintiff from obtaining material exculpatory and impeachment evidence that was deliberately withheld to cover up gross police and prosecutorial misconduct by misleading and lying to Judge Craig Richman on December 13, 2016, during a discovery hearing that Plaintiff received ALL of his discovery and the §1054.9 proceeding could be closed when they had inpossession evidence that showed discovery was OUTSTANDING. (Exhibits #16, #34 & #35)

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

Plaintiff incorporates paragraphs 1 through 80 as though they were stated fully herein.

*\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

D. CLAIMS\*

CLAIM VI

The following civil right has been violated:

Plaintiff was denied due process under the Fourteenth Amendment to the United States Constitution by Jackie Lacey, the Los Angeles County District Attorney and supervisor of Deputy District Attorney Corene Locke-Noble where District Attorney Lacey was apprised on two separate occasions that her Deputy Locke-Noble was deliberately withholding discovery material during Plaintiff's state law entitlement Penal Code §1054.9 proceeding. (Exhibits #56 & #62) Being the Supervisor of Deputy Locke-Noble District Attorney Lacey failed to ensure that ALL discovery material that should have been provided per §1054.9(b) was disclosed to Plaintiff after she was apprised that not only did her Deputy Locke-Noble withhold specific evidence, but that her Deputy lied and misled the Court on three separate occasions that there is NO MORE DISCOVERY and that the §1054.9 proceeding for Plaintiff could be closed. State law entitlement PC 1054.9 is a "Liberty Interest" protected by the due process clause of the 14th Amendment and due to the LADA's Office Supervisor District Attorney Jackie Lacey ignoring Plaintiff's letters she allowed her deputy to commit an act of withholding evidence and failed to correct the misconduct.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

Plaintiff incorporates paragraphs 1 through 80 as though they were stated fully herein.

*\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

D. CLAIMS\*

CLAIM VII

The following civil right has been violated:

Plaintiff was denied due process and equal protection under the Fourteenth Amendment to the United States Constitution by Zeke Perlo, Director of the Los Angeles County Bar 'Indigent Criminal Defense Appointments' Office and Supervisor of appointed attorney James S. Bisnow. Mr. Perlo was apprised by Plaintiff on three separate occasions that attorney Bisnow was deliberately failing to submit his discovery request and pitchess motion with supporting documents and that there was an irreconcilable conflict where ineffective assistance of counsel was ongoing that impaired his ability to utilize the \$1054.9 proceeding as an aid with preparing his upcoming petition. (Exhibits #26, #31 & #36) Mr. Perlo ignored all of these written complaints which allowed Bisnow, who worked under him, to deprive Plaintiff the RIGHT to request his discovery and submit his pitchess motion with supporting documents that had a direct impact on Plaintiff's 'Liberty Interest.'

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

Plaintiff incorporates paragraphs 1 through 80 as though they were stated fully herein.

*\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

1. Issue a Declaratory judgment stating that:

(a) Defendant Craig Richman, Judge, refusal to allow Plaintiff to submit his discovery request, submit his pitchess motion with supporting documents and be self represented as afforded other defendants similarly sentenced to LWOP violated Plaintiff's rights under the Fourteenth Amendment to the United States Constitution and constituted a denial of state law entitlement §1054.9 a "Liberty Interest" under state law

(b) Defendant Craig Richman, Judge, refusal to allow Plaintiff to attend his §1054.9 discovery hearings physically, telephonically or by video conference and refusal to accept Plaintiff's filing of his discovery request and pitchess motion with supporting documents violated and continues to violate Plaintiff's rights under the First Amendment to the US Constitution to Access the Court during his state law entitlement §1054.9 proceedings hindering his 'Liberty Interest' as afforded state law

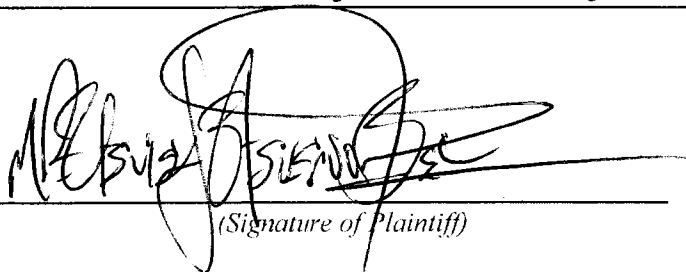
(c) Defendant James S. Bisnow failure to ensure that Plaintiff attended his §1054.9 state law entitlement discovery hearing violated Plaintiff's rights under the First Amendment to the US Constitution to Access the Court during a critical stage of the 'Liberty Interest' proceeding

(d) Defendant James S. Bisnow's refusal to submit Plaintiff's specific discovery request and pitchess & brady motion with supporting documents as requested by Plaintiff violated Plaintiff's rights under the Fourteenth Amendment to the US Constitution where Plaintiff was deprived from submitting request during a state law entitlement proceeding with a 'Liberty Interest' in obtaining discovery material that was deliberately withheld and obtaining material from the personnel files of Officers from the LAPD and SDPD during a §1054.9 proceeding

(e) Defendant Corene Locke-Noble's refusal to disclose discovery material and conceal evidence despite being specifically made aware of the existence of exculpatory and impeaching evidence during state law entitlement §1054.9 discovery proceeding deprived Plaintiff his 'Liberty Interest' thus violating Plaintiff's rights under the

APR 26, 2017

(Date)



(Signature of Plaintiff)

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REQUEST FOR RELIEF CONTINUED

Fourteenth Amendment to the US Constitution.

(f) Defendants James S. Bisnow and Corene Locke-Noble violated Plaintiff's Fourteenth Amendment Right when they **"CONSPIRED"** during Plaintiff's state law entitlement §1054.9 proceeding to prevent him from receiving and requesting discovery material and records from the personnel files of Officers from the LAPD and SDPD denying him the right to obtain information that had a 'Liberty Interest' by telling Judge Craig Richman that all of the discovery material was provided and that the §1054.9 proceeding could be closed

(g) Defendant Jackie Lacey's failure to take action to prevent her Deputy from misleading the Court and stating that Plaintiff received ALL of his discovery material during the state law entitlement §1054.9 proceeding violated Plaintiff's 14th Amendment Right where discovery requested pertaining to Plaintiff's Liberty Interest could have been provided

(h) Defendant Zeke Perlo's failure to take action and remove Bisnow from representing Plaintiff denied Plaintiff's 14th Amendment right during state law entitlement §1054.9 proceeding where Perlo's appointed attorney prevented Plaintiff from requesting discovery material and pitchess motion with supporting documents to receive documents pertaining to his 'Liberty Interest'

(i) Defendant Corene Locke-Noble's intentional and bad faith actions to withhold relevant exculpatory material and information, knowing that it is relevant and material to the outcome of Plaintiff's state law entitlement §1054.9 proceeding to further obtain material that is substantial to his 'Liberty Interest' violated Plaintiff's due process right under the Fourteenth Amendment by fraudulently telling the Court that ALL discovery was provided, therefore violating state law entitlement PC §141(c) during Plaintiff's §1054.9 proceeding

(j) Defendant James S. Bisnow's intentional and bad faith actions to fail to submit all of Plaintiff's discovery request and submit his pitchess and brady motion with supporting documents deprived Plaintiff of relevant and material exculpatory information during the state law entitlement §1054.9 proceeding that had a substantial impact of Plaintiff's 'Liberty Interest' violated the due process right of Plaintiff under the 14th Amendment by fraudulently telling the court that ALL discovery material was provided, therefore violating state law entitlement PC§141 during Plaintiff's §1054.9 proceeding as a private citizen contracted by the County (surrogate for the prosecution)

2. Issue an injunction ordering Defendants Craig Richman, Corene Locke-Noble, Jackie Lacey or their agents to:

(a) (Richman) Immediately arrange for Plaintiff to submit a discovery request under §1054.9

(b) (Richman) Immediately arrange for Plaintiff to submit a "Pitchess

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REQUEST FOR RELIEF CONTINUED

-(b) continued

& Brady" motion with supporting documentation under §1054.9

- (c)(Richman) Immediately arrange for Plaintiff to be self-represented during the remainder of the §1054.9 proceeding
- (d)(Richman) Immediately arrange for Plaintiff to attend the §1054.9 discovery hearing by telephone or video conference during the remainder of the §1054.9 proceedings

(e)(Locke-Noble) Immediately provide ALL of the discovery items listed in exhibit #35 to Plaintiff during §1054.9 proceeding; or

(f) (Locke-Noble) Submit a signed affidavit under penalty of perjury stating that "if there IS NO DISCOVERY material or no further discovery materials to be provided beyond what has already been disclosed in exhibits #4 & #57" then Locke-Noble should so state on or before the upcoming §1054.9 discovery hearing on August 18, 2017. The affidavit should state the factual basis for the conclusion, quote, nothing exists as to be discovered as to this item(s) beyond what has already been provided in exhibits #4 & #57, end quote. The affidavit should address what efforts were made by Locke-Noble to find th eitem(s) of discovery, including what, if any, agencies (San Diego Police Department) or individuals were contacted and their responses." See e.g. Barnett v. Superior Court, 79 Cal.Rptr.3d 199, 231 (Cal.App. 3 Dist 2008)

(g) (Jackie Lacey) Immediately provide ALL of the discovery items listed in exhibit #35 to Plaintiff during §1054.9 proceeding; or

(h) (Jackie Lacey) Immediately submit a signed affidavit under penalty of perjury stating that "there IS NO DISCOVERY material or no further discovery materials to be provided beyond what has already been disclosed in exhibits #4 & #57 as stated by Deputy District Attorney Corene Locke-Noble and present the affidavit for the upcoming state law entitlement §1054.9 discovery hearing on August 18, 2017. The affidavit should also state the factual basis for the conclusion, quote, nothing exists as to be discovered as to this item(s) beyond what has already been provided in exhibits #4 & #57, end quote. The affidavit should also address what efforts were made by Jackie Lacey to find the item(s) of discovery listed in exhibit #35, including what, if any, agencies (San Diego Police Department) or individuals were contacted and their responses." See e.g. Barnett, supra 79 Cal.Rptr.3d at 231.

3. Award compensatory damages in the following amounts against:

(a) \$1,000,000 against Defendant James S. Bisnow for emotional injuries resulting from his denial of Plaintiff's due process right to submit the specific discovery request and pitchess motion with supporting

Civil Rights Complaint  
REQUEST FOR RELIEF CONTINUED

-(a) continued

documentation during Plaintiff's state law entitlement §1054.9 proceeding and for preventing Plaintiff from requesting and obtaining material evidence that supported his 'Liberty Interest.' By this demand, Plaintiff seeks compensatory damages for his family and friends having to pay a retained attorney to perform a duty that Bisnow was appointed to legally carry out. Plaintiff is INNOCENT and has had sleepless nights worrying, crying, stressed, cannot eat, stomach hurting from being nervous with despair for having Bisnow not only tell him that he was GUILTY but Bisnow actively called attorneys Holtz, Dressner, Fischer and attorney Naren Hunter telling them that Plaintiff was GUILTY and that they should not assist Plaintiff. Bisnow lied and deceived the Court by stating that ALL discovery material was COMPLETE and that Plaintiff's state law entitlement §1054.9 proceeding could be CLOSED thereby preventing Plaintiff ANY attempt to request discovery material and an in camera review of the personnel records of LAPD and SDPD Officers who participated in misconduct. This information has a direct impact on Plaintiff's 'Liberty Interest' where he is trying to prove that he is INNOCENT and that the prosecution and investigators participated in gross misconduct that was covered up. By standing before the Court and saying that Plaintiff received ALL of his discovery and that the §1054.9 proceeding could be closed Bisnow participated in unethical conduct by an attorney by lying to and misleading the court in violation of California Business and Professions Code §6068(d); California Rules of Professional Conduct 5-200(B). Bisnow was previously sued for behavior that was prejudicial to his client in Miller v. Brown, 2014 U.S. Dist. LEXIS 15116 where similar in this case Plaintiff claims that Bisnow **"CONSPIRED"** with Los Angeles District Attorney Corene Locke-Noble to prevent Plaintiff from obtaining discovery material that he was legally entitled to ask for and receive as afforded state law entitlement §1054.9 to receive information thereby deprive him of his 'Liberty Interest' in utilizing §1054.9 to obtain reversal of his unlawful conviction, thereby depriving Plaintiff his due process right as guaranteed by §1054.9 through the 14th Amendment to the United States Constitution.

(b) \$1,000,000 against Defendant Zeke Perlo of the Los Angeles County Bar, Indigent Criminal Defense Appointment Office, who allowed Bisnow to violate Plaintiff's due process rights as afforded the 14th Amendment during the §1054.9 state law entitlement §1054.9 proceedings. As Bisnow's Supervisor Perlo was apprised on three separate occasions by letter from Plaintiff and one telephonic call from Plaintiff's cousin Ms. Charlene Rodgers about Bisnow's deprivation of Plaintiff's rights. By this demand, Plaintiff seeks compensatory damages due to Perlo's failure to take corrective actions and remove Bisnow from Plaintiff's case and replace him with another attorney to represent Plaintiff's best interest not against his interest.



Civil Rights Complaint  
REQUEST FOR RELIEF CONTINUED

4. Award Punitive damages in the following amounts:

(a) \$27,000,000 against The Los Angeles District Attorney's Office through Defendant Deputy District Attorney Corene Locke-Noble and her Supervisor for depriving Plaintiff of his state law entitlement right to obtain discovery material during the §1054.9 proceeding to obtain items that were never disclosed since 1990.

Plaintiff is aware of ABSOLUTE IMMUNITY for prosecutors. However, a question has arisen. On January 1, 2017, as a result of California Assemblywoman Patty Lopez, Governor Jerry Brown signed into law Assembly Bill 1909, which called for penal code Section 141 to be amended. Penal Code §141(c) reads in part:

"A prosecuting attorney who intentionally and in bad faith alters, modifies, or withholds any physical matter, digital image, video recording, or relevant exculpatory material or information, knowing that it is relevant and material to the outcome of the case, with the specific intent that the physical matter, digital image, video recording, or relevant exculpatory material or information will be concealed or destroyed or fraudulently represented as the original evidence upon a trial, PROCEEDING, or inquiry, is GUILTY OF A FELONY punishable by imprisonment pursuant to subdivision (h) of Penal Code Section 1170 for 16 months, or two or three years."

In light of the newly amended penal code law has been established that if a prosecuting attorney intentionally and in bad faith withholds relevant exculpatory materials or information, knowing that it is relevant and material to the outcome of the case and with a specific intent to withhold and/or conceal relevant exculpatory material upon a trial or PROCEEDING is GUILTY OF A FELONY punishable by imprisonment.

During Plaintiff's state law entitlement §1054.9 "SPECIAL PROCEEDING" as recognized by the California Supreme Court in *Maas v. Superior Court*, 2016 DJDAR 11125, due to the process being a precursor to the filing of a habeas corpus petition, the Los Angeles District Attorney's Office was presented with a request for discovery items as a 'Liberty Interst.' (Exhibits #1 & #16) In response to those request the Los Angeles District Attorney's Office only provided exhibits #4 & #57.

Deputy District Attorney Corene Locke-Noble has argued and argued that the San Diego Police Department IS NOT a part of the investigation into the case against Plaintiff. (DHRT 21, 25-27) Therefore, Plaintiff asks this court to review exhibit #4. Exhibit #4 is a list of the discovery material that was provided by the LADA's Office in 2013, during the 1054.9 proceeding. If we take DDA Locke-Noble by her words that the SDPD was not involved in the investigation, Plaintiff asks



Civil Rights Complaint  
REQUEST FOR RELIEF CONTINUED

this Court to review the list of discovery that was provided by the LADA's Office to his trial attorney in 1992. (Exhibit #7)

A review of exhibits #4 provided in 2013, and exhibit #7 provided in 1992, shows that the two lists mirror one another with the exception of points 11, 15 and 17 that were not provided to Plaintiff's trial attorney in 1992. With that in mind, that being points 11, 15 and 17 were not disclosed to Plaintiff's attorney in 1992, lets take DDA Locke-Noble by her word that the SDPD was not a part of the investigation in to Plaintiff's case and exclude points 4, 5, 6, 8, 9, and 10 in exhibit #7. That leaves points 1, 2, 3, 7, 16, 18 & 19 as the ONLY reports prepared and disclosed to Plaintiff's trial attorney.

A further review of exhibit #7, Plaintiff asks that this court look at point 1 in exhibit #7 that is titled 'LAPD Follow-up Investigation Report-DR 90-0706185 dated 1/23/90 (4 pages). Point 1 in exhibit #7 is attached as Exhibit #14. If this Court reviews exhibit #14, at page 2 first paragraph LAPD detectives Norman Jackson #15526 and Larry Hedwall #20619 document that they were assigned to investigate the kidnapping of Rodriguez.

A review of exhibit #14 shows that the lead investigators from the "ONLY" agency that investigated the kidnapping of Melvin Rodriguez interviewed LaTanya Johnson, Donald Manuel, Denise Manuel and Diane Manuel (Exhibit #14 pages 2-3) and interviewed Kevin Richardson, Charles McMath and Tracey Gosha along with Inez Alvarenga, Lisa Rodgers and Melvin Rodriguez, however, the original notes, written reports and audiotapes were never provided to Plaintiff's trial attorney nor to him during this \$1054.9 state law entitlement \$1054.9 proceeding.

A further review of exhibit #14 on page 2 detectives Jackson and Hedwall documented that they participated in the arrest of Ms. Johnson and The Manuels along with the SIS detectives and SWAT team members, however, the identities, and reports from those Officers who participated were never provided to Plaintiff's trial attorney nor to him in exhibits #4 & #57 during state law entitlement \$1054.9 proceedings, even though there was a request. (Exhibit #16)

Plaintiff obtained two civil lawsuits Los Angeles Superior Court case numbers #BC002201 & #BC020272 and found a Log number to a Los Angeles Police Department Personnel Complaint Internal Affairs Log number IA #90-469M. (Exhibits #9, #10 & #11) If this Court were to review Exhibits #9 & #10 it will see that Ms. Johnson and The Manuels were physically assaulted, battered and threatened when they were arrested by detectives (lead investigators) Jackson and Hedwall.

Plaintiff obtained the names of the detectives who were involved in the arrest and/or assault and battery of Ms. Johnson and The Manuels (Exhibit #12), however a review of the information provided by the LADA's Office in exhibits #4 & #57 there is no mention of suspects being beaten and suffocated nor are there any identities

Civil Rights Complaint  
REQUEST FOR RELIEF CONTINUED

of the detectives included.

Most damaging is, Plaintiff recovered an award of arbitrator that showed in regards to The Manuels and Ms. Johnson's lawsuit an arbitrator ruled in their favor. (Exhibit #13) This ruling of the arbitrator was dated July 8, 1992, just 21 days before Plaintiff's July 29, 1992, trial yet there is no information provided in exhibits #4 & #57 that discuss this ruling.

PLaintiff observed that the LADA's Office deliberately withheld exculpatory/impeachment evidence from his trial attorney and due to there being evidence that lead investigators Jackson and Hedwall's misconduct was covered up Plaintiff prepared both a discovery request and pitchess motion to obtain evidence of exculpatory value (Exhibits #1, #16, #34 & #35) however, the LADA's Office has only provided those items listed in exhibits #4 & #57. In addition DDA Locke-Noble was made aware of these request on January 15, 2015 (Exhibit #16) however, she replied and refused to provide ANY discovery material.

Knowing that there are many items of exculpatory value that has NEVER been provided DDA Locke Noble prepared a proposed order to close Plaintiff's §1054.9 state law entitlement proceeding. (Exhibit #51) even though she was aware of the discovery request in exhibit #16 that she ignored. (Exhibit #17) On December 13, 2016, when DDA Locke-Noble stood before the Honorable Craig Richman, Judge and stated that Plaintiff received all of his discovery request and that due to there being no more discovery material to be provided she lied and misled the court in violation of Business and Professions Code §6068(d) and California Rules of Professional Conduct 5-200 where she and PLaintiff's appointed conspired to deprive him of evidence of exculpatory value depriving him of receiving discovery that he was legally entitled to have under state law entitlement §1054.9 where those withheld items have a direct impact on Plaintiff's 'Liberty Interest' thus violating the due process clause of the 14th Amendment to the United States Constitution.

**EXCLUSION FROM ABSOLUTE IMMUNITY**

Plaintiff states that the California Legislature has passed a law that holds Prosecuting Attorneys liable to be prosecuted under Penal Code Section 141(c) if they are found to have intentionally and in bad faith withheld exculpatory material or information knowing that it is relevant and material to the outcome of a "PROCEEDING." State Law entitlement PC §1054.9 is a "SPECIAL PROCEEDING" and despite DDA Locke-Noble being made aware of the exculpatroy nature of the missing evidence that shows the lead investigators in Plaintiff's case participated in misconduct through PLaintiff's filings and exhibit #16, she has deliberately withheld

Civil Rights Complaint  
REQUEST FOR RELIEF

material relevant to the outcome of Plaintiff's special proceeding where the items requested have a direct impact on Plaintiff's 'Liberty Interest' thus violating his due process under the 14th Amendment to the US Constitution and state law entitlement §1054.9.

If this Courts finds DDA Locke-Noble through the Los Angeles District Attorney's Office has deliberately withheld evidence during his state law entitlement proceeding under 1054.9 where he is being prevented from obtaining evidence to support his 'Liberty INterest' Locke-Noble should be recommended for prosecution under state law penal code section §141(c).

If Locke-Noble is prosecuted and found GUILTY for withholding evidence Plaintiff reserves the right to sue for Punitive Damages for withholding exculpatory evidence during a lawfully protected state law proceeding under California Penal Code §1054.9 which is protected and guraranteed by the 14th Amendment's due process clause.

By this demand Plaintiff's request for punitive damages in the amount of \$27,000,000 is for the twenty seven (27) years that the Los Angeles District Attorney's Office has deliberately withheld exculpatory evidence from Plaintiff to cover up the misdeeds of one of their own, that being, Deputy District Attorney Patricia Wilkinson who prosecuted Plaintiff and who is now the Head Deputy District Attorney of the Major Crimes Unit. The LADA's knows this evidence was withheld (Exhibit #16 & #34 & #35) yet has deliberately withheld the evidence and asked that Plaintiff's proceeding be closed to prevent him from requesting and receiving evidence to prove his innocence, where Plaintiff has been in prison for a crime that he didnt commit and is being deprived of the materials to prove his innocence.

This amount is also requested to punish the Los Angeles District Attorney's Office for withholding evidence 27 years ago and for its continuous deliberate withholding of exculpatory evidence despite the California enacting penal code section §1054.9 to ensure inmates sentenced to death and life without parole are allowed to receive discovery that was improperly withheld. After the California Legislature recently passed Assembly Bill 1909 to amend penal code section 141(c) the Los Angeles District Attorney's continues to deliberately withhold evidence and an example needs to be made.

(b) \$3,000,000 against County Appointed Attorney James S. Bisnow of Pasadena to ensure that other attorneys similarly situated and appointed to assist an innocent defendant are not degraded and work against to prevent a defendant from obtaining discovery material to help prove their innocence, and from preventing the next attorney(s)

Civil Rights Complaint  
REQUEST FOR RELIEF

who represent an inmate during a \$1054.9 state law entitlement proceeding from working with the Los Angeles District Attorney's Office against their client and CONSPIRING with the LADA's Office and lie and mislead the Court while deliberately trying to close a Plaintiff's proceeding under a true falsehood.

WHEREFORE, Plaintiff Stevie J. Stevenson prays that this Court:

1. Declare that the acts and omissions described herein violated Plaintiff's rights under the Constitution and laws of the United States and the State of California;
2. Issue an Injunction ordering the defendants to abide by this Court's ruling

Plaintiff will suffer Irreparable Injury and harm if the injunction is not granted allowing Plaintiff to submit his own discovery request and "Pitchess & Brady" motion along with being self represented.

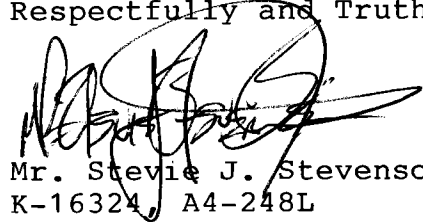
If Plaintiff is not able to submit his own discovery request and "Pitchess & Brady" motion he will be deprived of fundamental fairness and an equal opportunity to at least material information that has been deliberately withheld by the prosecution for the past 27 years, and Plaintiff will be forced to have his \$1054.9 proceeding closed because his family and friends do not have the money to pay an attorney's hefty fees just to request materials that other inmates sentenced like Plaintiff are allowed to do on their own. (Exhibit #61);

3. Order Defendants to pay compensatory and punitive damages;
4. Order Defendants to pay reasonable fees and costs for Plaintiff having to pay the filing fee, copy costs, mailing costs for this 42 USC 1983; and
5. Refer Los Angeles Deputy District Attorney Corene Locke-Noble to the District Attorney's Office for prosecution under California Penal Code §141(c) for violating Plaintiff's due process right during state law entitlement \$1054.9 proceeding for deliberately withholding exculpatory impeachment evidence that is relevant to the subject matter regarding his 'Liberty Interest;'

Civil Rights Complaint  
REQUEST FOR RELIEF

6. Grant other just and equitable relief that this Honorable Court deems necessary.

Respectfully and Truthfully Submitted,



4/26/2017

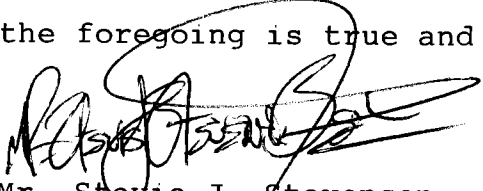
Mr. Stevie J. Stevenson  
K-16324, A4-248L  
Centinela State Prison  
2302 Brown Road  
Imperial, Ca. 92251-0901  
In Pro-se

VERIFICATION

I, MR. STEVIE J. STEVENSON, declare as follows:

I am the Plaintiff in this action. I have read the foregoing Title 42 U.S.C. §1983 in the case of Stevie J. Stevenson v. Los Angeles District Attorney's Office, et al., exhibits and attachments and the facts stated therein are true of my own personal knowledge, except as to the matters that are therein stated on my own information and belief, and as to those matters I believe them to be true.

Pursuant to Title 28 U.S.C. §1746, I declare and verify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 26, 2017.



Mr. Stevie J. Stevenson  
K-16324, A4-248L  
Centinela State Prison  
2302 Brown Road  
Imperial, Ca. 92251-0901  
In Pro-Se

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT  
WESTERN DIVISION

STEVE J. STEVENSON

Case Number:

v.

PROOF OF SERVICE

LOS ANGELES Superior Court,  
Los Angeles County ATTORNEY'S OFFICE, ET AL,

I hereby certify that on WEDNESDAY APRIL 26, 2017, I served a copy

of the attached 42 USC 1983 LAWSUIT, EXHIBITS #1-#61, MHRT, 11 MHRT

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter

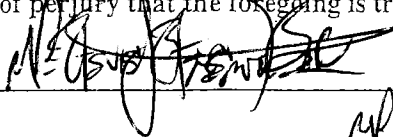
listed, by depositing said envelope in the United States Mail at

CONTINENTAL STATE BANK 2322 Brown Road (MILPITAS), CA. 92251

(List Name and Address of Each  
Defendant or Attorney Served)

USDC  
CENTRAL DISTRICT OF CALIFORNIA  
312 N. SPRING STREET, ROOM 6-8  
LOS ANGELES, CA. 90012  
ATTN: MR. SE CLERK

I declare under penalty of perjury that the foregoing is true and correct.

 K16329/11-248  
MR. STEVE J. STEVENSON

(Signature of Person Completing Service)



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Stevie J. Stevenson

(b) County of Residence of First Listed Plaintiff Imperial  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS Los Angeles District Attorney's Office  
Los Angeles County Superior Court Judge  
Craig Richman, et al Corene Locke-Noble  
County of Residence of First Listed Defendant Los Angeles

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care - Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 IIIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input checked="" type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. §1983

Brief description of cause:

Denial Due Process Equal Protection (state law entitlement "Liberty Interest")

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS \$1,000,000 CHECK YES only if demanded in complaint: RY DEMAND: X Yes 1 No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE



# EXHIBIT

# 1

Exhibit [REDACTED] #4

Stevie J. Stevenson  
K-16324, C4-222L  
Centinela State Prison  
2302 Brown Road  
Imperial, Ca. 92251-0921  
In Pro-Per

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

Stevie Stevenson	)	
Petitioner	)	Related Case No:BA011908
	)	
v.	)	Notice Of Motion For Discovery
	)	Material Pursuant To Cal. Penal
People Of The State Of California	)	Code Sec. 1054.9
Respondent	)	
	)	

TO THE PRESIDING JUDGE AND CLERK OF THE LOS ANGELES SUPERIOR COURT AND THE DISTRICT ATTORNEY OF LOS ANGELES AND ITS REPRESENTATIVE

Pleasetake notice that Petitioner, Stevie Stevenson, moves this Honorable Trial Court for an order allowing access to "All" discovery material for Post Conviction writ of Habeas Corpus under California Penal Code Section 1054.9.

This motion will be made on the ground that the Los Angeles County District Attorney's Office has in its actual or constructive possession items of evidence which Petitioner is entitled to under Penal Code Section 1054.9 (a), (b), (c) and (d).

Penal Code 1054.9(a) states:

"Upon the prosecution of a post conviction writ

of habeas corpus or a motion to vacate a judgment in a case in which a sentence of death or of Life in Prison Without The Possibility Of Parole has been imposed, and on a showing that good faith efforts to obtain discovery materials from trial counsel were made and were unsuccessful the Court shall... order that the Defendant (Petitioner) be provided reasonable access to any of the materials described in subdivision (b)."

Penal Code 1054.9(b) states:

"For purposes of subdivision (b) of PC 1054.9"

'Discovery materials means materials in the possession of the prosecution and law enforcement authorities to which the same defendant (Petitioner) would have been entitled at time of trial.'

The Due Process, Federal and State Constitution; U.S. Constitution 14th Amendment and California Constitution, Article I Section 7(a) requires the disclosure to Petitioner Stevie Stevenson of "evidence favorable to Him" that is "Material either to guilt or punishment". Brady v. Maryland, 373 US 83, 87, 83 S.Ct. 1194, 1196, 10 L.Ed.2d 215, 218 (1963); U.S. v. Bagley, 473 US 667, 676, 105 S.Ct. 3375, 3380, 87 L.Ed.2d 481, 490 (1985).

The California Supreme Court held in In Re Steele, (2004) 10 Cal.Rptr. 3d 536, 32 Cal 4th 682, 85 P.3d 444, that Cal Penal Code 1054.9 entitled persons who were preparing a Habeas Corpus petition, as well as persons who had already filed such a petition, to seek discovery. Steele, 32 Cal. 4th at 691.

The Court further held that Penal code Section 1054.9 authorized discovery of three categories of information: (1) Discovery that the prosecutor provided to the defense but has become lost to the Petitioner; (2) Discovery that the prosecutor should have provided

but failed to do so; (3) Discovery to which the defense would have been entitled had it requested the information. Steele, Id. at 692.

Petitioner states that he is currently serving a sentence of Life Without The Possibility Of Parole for a Kidnap For Ransom conviction under Penal Code 209(a). (See Exhibit #1)

Petitioner's trial counsel, John J. Cheroske, is a superior Court Judge in the City of Compton California. The appellate attorney who represented Petitioner received the trial file (discovery) in April of 1994. (See Exhibit #2 ¶ 5-6)

Material and Substantial evidence has been uncovered that proves that false testimony was used to convict Petitioner in violation of cal Penal Code 1473 and the 14th Amendment of the U.S. Constitution and all discovery is needed in order to properly submit a writ of habeas corpus. Petitioner states that over the years of incarceration between both the Federal and State jurisdictions his legal work (discovery/affidavits etc.) has been lost and or thrown away by staff.

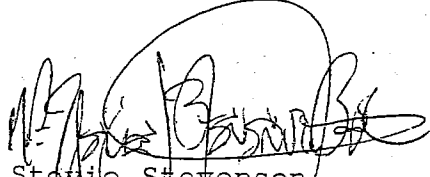
Petitioner respectfully prays that this Honorable Court will order the release of the following material under the discovery rule as stated in Penal Code Section 1054.9(b) and (c) for case No: BA011908 and the Los Angeles and San Diego Regional Officers Report Case Number 900706185 dated January 19, 1990 and January 23, 1990:

- (1) Crime scene photos
- (2) Police Reports (From San Diego & Los Angeles)
- (3) A list of all items collected and logged in as evidence
- (4) All motions filed by trial counsel before trial court
- (5) A list of names of all witnesses who were interviewed by the police and the District Attorney's Office for the city of Los Angeles and San Diego
- (6) Copy of all trial court's minute orders
- (7) transcripts of tape recorded conversations of all witnesses from Los Angeles and San Diego
- (8) Copy of all criminal lab experts test results
- (9) Copy of all original notes of both San Diego and Los Angeles police interviews of all witnesses for case number 900706185
- (10) Copy of all original notes of the district Attorney's interview of witnesses in both San Diego and Los Angeles
- (11) All transcripts from any and all court proceedings of Kevin Richardson, co-defendant for case No: BA0 11908
- (12) All written and/or recorded interviews (police reports) for case No: 900706185 by police officers in both San Diego and Los Angeles of Tracey Gosha, LaTanya Johnson, Kevin richardson, Charles Mc Math and the victim Melvin rodriguez.
- (13) Any and All discovery materials in relationship to the case matter of People v. Stevenson Case Number BA011908 that Petitioner failed to mention, list and or specifically request herein.

Based on this motion it is the hope of Petitioner that this court grant all Brady material pursuant to Penal code Section 1054.9 and Caitlin v. Superior Court, 120 Cal.Rptr.3d 135, 139 (2011).

Respectfully Submitted

Dated: AUGUST 9, 2012, 2012



Stevie Stevenson  
K-16324, C4-222L  
In Pro Per

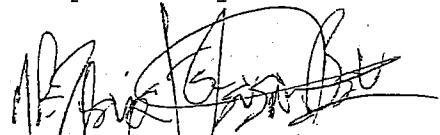


VERIFICATION

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 9th day of August 2012, at Centinela State Prison in Imperial California.

Respectfully Submitted



Stevie Stevenson  
K-16324, C4-222L  
Centinela State Prison  
2302 Brown Road  
Imperial, Ca. 92251-0921  
In Pro-Per

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

STEVIE STEVENSON

PETITIONER

PEOPLE OF THE STATE OF CALIFORNIA

RESPONDENT

Case Number:

RELATED CASE NUMBER: B4011908

PROOF OF SERVICE

I hereby certify that on AUGUST 9, 2012, I served a copy  
of the attached MOTION OF NOTICE FOR DISCOVERY MATERIAL PURSUANT TO CAL PENAL CODE SECTION  
1054.9  
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter

listed, by depositing said envelope in the United States Mail at

CENTINELA STATE PRISON, IMPERIAL, CA. 92251-0921

(List Name and Address of Each  
Defendant or Attorney Served)

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES  
210 W. TEMPLE STREET  
LOS ANGELES, CA. 90012-3210  
CLERK OF COURT

I declare under penalty of perjury that the foregoing is true and correct.

MR. STEVIE STEVENSON K16324

MR. STEVIE STEVENSON  
(Signature of Person Completing Service)

# EXHIBIT

#2

### DECLARATION OF VENITA RAY

I, VENITA RAY, declare as follows:

1. I am an attorney licensed to practice law in the District of Columbia (inactive), Maryland (inactive), and Texas (active).
2. For a number of years, I have provided assistance to Mr. Stevie Stevenson in his appeal from a 1990 conviction for aggravated kidnapping and a life without possibility of parole sentence.
3. On or about late 2000 or early 2001, Mr. Stevenson informed me that he had a brief encounter with an inmate by the name of Andre' Burks when they were held in the same holding cell for a few hours in 1997. Mr. Stevenson stated that during their conversation they discovered that they both knew a woman named Tracey Gosha from San Diego, CA. It was also during this conversation that Mr. Burks discovered that Mr. Stevenson was the person that Ms. Gosha had told him that she falsely identified as LA Mike when she testified against Mr. Stevenson at his criminal trial. Mr. Burks stated that Ms. Gosha told him that the police had coerced her to testify falsely against Mr. Stevenson. This was Mr. Stevenson's first and only contact with Mr. Burks.
4. In early 2001 I located Mr. Burks and contacted him by mail at a California Department of Correction Facility in Crescent City, CA. In my letter, I introduced myself and asked Mr. Burks if he had any knowledge or information about Mr. Stevenson's case and/or conviction. I had never met Mr. Burks before.
5. In his reply letter to me, Mr. Burks stated that he had some knowledge of facts related to Mr. Stevenson's case that he had learned from statements made to him by Tracey Gosha. He knew Tracey Gosha because she was the roommate of a former girlfriend, Princess Goines. Ms. Gosha was a key prosecution witness against Mr. Stevenson at his trial.
6. Over the next several months, I corresponded with Mr. Burks to determine the details of Mr. Burks' knowledge of Mr. Stevenson's case. Mr. Burks stated that, on or about the early months of 1990, during one of his visits with his girlfriend, Princess Goines, Tracey

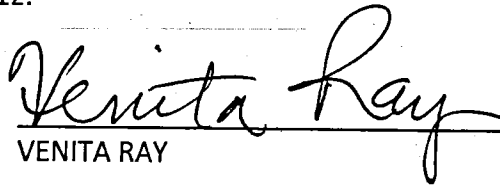
Gosha told him about an ongoing criminal case she was involved in concerning a person called L.A. Mike. According to Ms. Gosha, the police were pressuring her to testify against this person even though she had told them that she did not know anything about the case. Ms. Gosha stated that the police told her that if she did not say what they wanted her to say; she would go to jail for twenty (20) years and her son would be placed in a foster home. Ms. Gosha told Mr. Burks that the police made her aware of the statements being made by the co-defendants in the case and that she finally just agreed with the statements. Ms. Gosha stated that she lied during her testimony at Mr. Stevenson's trial after being threatened by the police that she would go to jail and lose custody of her son if she did not say what they wanted her to say.

7. I asked Mr. Burks if he would be willing to prepare and sign an affidavit that would document what he learned from Tracey Gosha about Mr. Stevenson's case and Mr. Burks agreed.
8. Mr. Burks and I corresponded back and forth until he completed the affidavit. On or about October 15, 2001, I mailed the final draft of the affidavit to Mr. Burks along with a \$20 money order with instructions to the affidavit notarized. Mr. Burks returned the signed affidavit to me without it being notarized. I attempted to contact Mr. Burks again and when I did not hear from Mr. Burks, I contacted prison officials. Prison officials informed me that Mr. Burks had committed suicide.
9. In 2007, I mailed the original affidavit signed by Mr. Burks to Mr. Stevenson's niece, Ms. Kis'Mah Kendalla. I later learned that Ms. Kendalla mailed the original signed affidavit to Mr. Stevenson but he never received it. The original affidavit was either lost in the mail or misplaced by prison officials.
10. The attached unsigned affidavit is the result of my correspondence with Mr. Burks and contains information he learned from Ms. Gosha regarding the police's action in coercing her to testify falsely at Mr. Stevenson's trial.

I have personal knowledge of the foregoing facts and if called as a witness, could testify

completely and truthfully to the statements contained in this declaration. I hereby declare under penalty of perjury that the foregoing is true and correct under the laws of the State of Texas.

Executed this 1<sup>st</sup> day of July, 2012.

  
VENITA RAY

1008-05-01 10:44 10-10-09

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101777941105

EXHIBIT #6

Venita Ray, Esq.  
317 T Street, NE  
Washington, DC 20002  
(202) 836-8027

October 15, 2001

Andre Burks #K30314  
P.B.S.P. D3/101L  
P.O. Box 7500  
Crescent City, CA 95532

Dear Mr. Burks:

I hope this letter finds you in good health and at the same institution. I apologize for my delay in writing you back. Enclosed you will find the affidavit and a \$20 money order to help get it notarized. Please note my new address is 317 T Street, NE, Washington, DC 20002.

I look forward to hearing from you soon.

Sincerely,

*Venita Ray*  
Venita Ray



EXHIBIT #6

STATE OF CALIFORNIA V. STEVIE STEVENSON

AFFIDAVIT OF ANDRE BURKS

I, ANDRE BURKS, first being duly sworn on oath according to law,  
deposes and says:

1. On or about the early months of 1990, I, Andre Burks, had a girlfriend named Princess Goines who lived at 4677 Home Avenue #87, San Diego, California. At the time, my girlfriend had a roommate named Tracey Gosha. I frequently stayed over at my girlfriend's house. All of the following statements were stated to Princess Goines, Lamont Hoke, and myself.

2. During this period of time, Ms. Gosha told us about a criminal case involving a person named "L.A. Mike." Ms. Gosha stated that she didn't know anything about the case but that Mike's co-defendants were making deals with the District Attorney to put all the blame on Mike.

3. Ms. Gosha stated that when the police approached her to testify in the case and she told them that she did not know anything and didn't want to get involved. Ms. Gosha also stated that the police told her that if she did not tell them what they wanted to hear that she would go to jail for twenty (20) years and her son would be put in a foster home.

4. Ms. Gosha stated that the police made her aware of the statements made by the co-defendants and that she finally just agreed with the

EXHIBIT #6

statements. Ms. Gosha stated that she had decided that she was not going to lose her son and that she lied during her testimony at the trial to keep him. I also recall Ms. Gosha telling us that the police took Ms. Gosha to stay in a hotel while she was testifying and gave her money to fix her car.

5. At the time of these incidents, I did not know Mr. Stevenson. I later met Mr. Stevenson while being held in the same holding cell at High Desert State Prison for approximately three (3) hours. It was only during our brief conversation together that we realized that Mr. Stevenson was the person Ms. Gosha knew as L.A. Mike. Mr. Stevenson and I were both moved to different correctional facilities and have not had contact in almost four (4) years.

6. This was my first and only contact with Mr. Stevenson and since that time have had no further contact in person or through any type of correspondence.

Further Affiant sayeth not.

ANDRE BURKS

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

EXHIBIT #6

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

# EXHIBIT

#3

EXHIBIT #7

KAYE, McLANE, BEDNARSKI & LITT, LLP  
ATTORNEYS AT LAW  
234 East Colorado Boulevard, Suite 230  
Pasadena, California 91101  
Phone: 626-844-7660  
Fax: 626-844-7670

RONALD O. KAYE  
DAVID S. McLANE  
MARILYN E. BEDNARSKI  
BARRETT S. LITT

KEVIN LaHUE  
CAITLIN S. WEISBERG  
LINDSAY BATTLES

*Of Counsel*  
CARLTON F. GUNN

Via U.S. Mail

September 26, 2013

**LEGAL MAIL**

Mr. Stevie Stevenson  
CDCR#K16324  
California State Prison, Centinela (CEN)  
C1 229 Low  
P.O. Box 921  
Imperial, CA 92251-921

Re: Declaration of Kevin Richardson

Dear Mr. Stevenson:

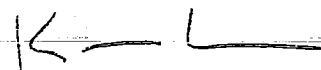
Please find enclosed the declaration of Mr. Kevin Richardson recanting his prior testimony against you. This document was provided to our offices by Mr. Rodney Oliver in the hopes it can assist you in exonerating your wrongful conviction.

At this time we are not retained to file a writ of habeas corpus nor further assist you with any legal remedies you may have regarding your conviction. There are numerous statutory timeframes that apply to state and federal writs of habeas corpus and we recommend that you file as soon as practicable so that any claim you may have is not beyond the applicable statute of limitations.

If you or someone on the outside would like to contact me regarding this matter further please do so at the address or phone number above.

I hope this finds you well and wish you the best of luck

Sincerely yours,



Kevin J. LaHue  
Attorney at Law  
Kaye, McLane & Bednarski, LLP

DECLARATION OF KEVIN RICHARDSON

I, Kevin Richardson, declare under penalty of perjury as follows:

1. In July 1992, I testified as a witness for the prosecution against Stevie Stevenson who at that time, was on trial for the crime of kidnap for ransom with personal use of a firearm.
2. Back in 1990, I had known Stevie Stevenson many years, having grown up with him.
3. Prior to trial, I was threatened by Michael Thompson (AKA Baby Boy), Patrick Johnson (AKA Half-Dead), Richard last name unknown (AKA Bubba), Gary Oliver and Nobie Kennedy (AKA No-Bone). It was these five men, and not Stevie Stevenson, who committed the crime for which Mr. Stevenson was charged and convicted. These men threatened to kill me, and my family unless I testified and blamed everything on Stevie Stevenson.
4. The threats continued before, during and after the trial of Stevie Stevenson to the point where I eventually moved from Los Angeles to Las Vegas to get away from the people who were threatening me and my family.
5. Over the years, knowing that Stevie Stevenson was sent to prison for a crime he did not commit has weighed heavy on my mind. I was always afraid to come forward and speak the truth because I was scared Michael Thompson (Baby Boy), Patrick Johnson (Half-Dead), Gary Oliver, Richard (unknown last name, AKA Bubba) and Nobie Kennedy (No-Bone) would make good on their promise to kill me and my family if I ever told police the truth.
6. The reason I have waited so long to come forward with the truth and my recantation, is mostly due to my fear of continued threats. I have now come forward due to my religious beliefs which have become stronger after I had heart failure and almost died in April 2005. Since I felt God had given me a second chance in life, I felt compelled to finally tell the truth about my false and inaccurate testimony at the trial of Stevie Stevenson.
7. At Stevie Stevenson's trial, I testified that on January 19, 1990, Stevie Stevenson had asked me to help him move from San Diego back to Los Angeles. The truth is, on that day, Michael Thompson (Baby Boy) called me and asked me to follow him down to San Diego to pick up some drugs from Stevie Stevenson and bring the drugs back to Los Angeles. I had met Michael Thompson AKA Baby Boy and others, from delivering drugs to them for Stevie Stevenson.
8. At approximately 6:30 a.m. on January 19, 1990, Michael Thompson (Baby Boy) met me at my father's house driving a blue Suburban with Nobie Kennedy (No-Bone) sitting in the passenger's seat. Also, there was a second car, a white Regal, with Patrick Johnson (Half-Dead) sitting in the

driver's seat. Michael Thompson (Baby Boy) asked me could this young kid ride with me and I said yes.

9. It took us about two and a half to three hours to drive down from Los Angeles to San Diego. Once in San Diego we went to an apartment building. I parked on the street in front of the apartment building and Michael Thompson (Baby Boy) along with Patrick Johnson (Half-Dead) parked in the apartment's building garage. After waiting a few hours Michael Thompson (Baby Boy) came out of the garage still driving the Suburban and asked me to follow him to McDonald's.
10. Once back at the apartment Michael Thompson (Baby Boy) parked in the garage and I parked on the street. After a few more hours, Michael Thompson (Baby Boy) and Patrick Johnson (Half-Dead) and I drove to another apartment building. Michael Thompson (Baby Boy) parked in the apartment stall and Patrick Johnson (Half-Dead) and I parked on the street.
11. A few minutes later Michael Thompson (Baby Boy) got out of the Suburban and walked next to a female and went into this apartment building. Michael Thompson (Baby Boy) came out a few minutes later and got into the Suburban.
12. Thirty minutes later, Stevie Stevenson appeared and Michael Thompson (Baby Boy) along with Nobie Kennedy (No-Bone) exited the Suburban and began talking. Myself, Patrick Johnson (Half-Dead), Gary Oliver, and Richard, last name unknown AKA Bubba got out of the cars and walked over to where Stevie Stevenson, Nobie Kennedy (No-Bone) and Michael Thompson (Baby Boy) stood talking. Either Michael Thompson (Baby Boy) or Nobie Kennedy (No-Bone) motioned to Stevie Stevenson to look inside the Suburban. Stevie Stevenson looked inside, shook his head and was very angry at what he saw.
13. I overheard Stevie Stevenson arguing and cursing at Nobie Kennedy (No-Bone), Michael Thompson (Baby Boy), Patrick Johnson (Half-Dead), Gary Oliver and Richard, last name unknown AKA Bubba because they came to a location that Stevie Stevenson was known to hang out, with a man tied up inside a Suburban. Stevie Stevenson then looked at Michael Thompson (Baby Boy), Patrick Johnson (Half-Dead), Gary Oliver, Richard last name unknown AKA Bubba and Nobie Kennedy (No-Bone), and warned them that he, meaning Stevie would hurt them if he and/or his family became involved or blamed for their wrongdoing.
14. Since I was not involved in what was happening, Stevie Stevenson looked at me and said, "Kevin, this is none of your business, get back into the Jeep." A little while later Tracy drove up. Stevie Stevenson spoke to Tracy and then walked with her over to the Suburban where she too looked inside the Suburban.
15. I exited the Jeep again and walked over to the Suburban to find out what was happening at which point I, also looked inside and saw a man tied up. Stevie Stevenson told me, "Kevin, this is



none of your business. This has to do with Michael Thompson (Baby Boy), Patrick Johnson (Half-Dead), Gary Oliver, Nobie Kennedy (No-Bone) and Richard, last name unknown AKA Bubba and these Columbians."

16. Stevie Stevenson gave me money for gas so I could drive back to Los Angeles. Stevie Stevenson then angrily said to Michael Thompson (Baby Boy), "get that fool up out of here", meaning, he wanted the guy in the Suburban moved from in front of the location where Stevie Stevenson often hung out. Stevie Stevenson then left very angry at Michael Thompson (Baby Boy), Patrick Johnson (Half-Dead), Nobie Kennedy (No-Bone), Gary Oliver and Richard, last name unknown AKA Bubba because they had gotten Stevie involved in whatever they had going on with the Columbians.
17. When Stevie Stevenson drove away, Michael Thompson (Baby Boy) said that if things went bad and if anyone got arrested, we meaning myself, Nobie Kennedy (No-Bone), Patrick Johnson - (Half-Dead), Gary Oliver, and Richard, last name unknown AKA Bubba better blame everything on Stevie Stevenson. Because Stevie Stevenson had threatened to hurt them all for getting him and his family involved.
18. Michael Thompson (Baby Boy), Nobie Kennedy (No-Bone) and Patrick Johnson (Half-Dead) knowing my closeness to Stevie, specifically threatened me by promising to kill me, my girlfriend Tina Bumphrey, my sons Kevin Jr. and Sean, my father, my sister Katrina and my brother Dion, if I ever told anyone, especially the police, about anything that had gone on that day.
19. Michael Thompson (Baby Boy) then told me to get Tracy and park down the street and wait for him. While waiting on Michael Thompson (Baby Boy), the police showed up and handcuffed me and the young kid, but they allowed Tracy to go home. After a few questions, the young kid and I were released.
20. I got back in the Jeep and immediately began heading for the freeway to drive back to Los Angeles, when Patrick Johnson (Half-Dead), driving his Regal, pulled on the side of me and told me to pull over. When I pulled over, Michael Thompson (Baby Boy) and Nobie Kennedy (No-Bone) exited Patrick Johnson's (Half-Dead's) Regal and told me and the youngster to get in the backseat of the Jeep.
21. Michael Thompson (Baby Boy) drove the Jeep to Tracy's apartment. Michael Thompson (Baby Boy) and Nobie Kennedy (No-Bone) said they saw me and Tracy talking to the police and they threatened to kill me and my family if I had told police anything. I assured them I had not said a word about anything to the police. Once we arrived at Tracy's apartment, Patrick Johnson (Half-Dead) and Richard, last name unknown AKA Bubba took me and the youngster to Tracy's apartment. Richard, last name unknown AKA Bubba then went to talk to Tracy in her room for a while.

22. Richard, last name unknown AKA Bubba came out of the room with Tracy and told me and the kid that he and Patrick Johnson (Half-Dead) were leaving to take care of some business and would return to drive me and the youngster back to Los Angeles.
23. A few minutes after Richard, last name unknown AKA Bubba and Patrick Johnson (Half-Dead) left, police arrived and arrested me. When interviewed, I blamed everything on Stevie Stevenson because of the threats I had received from Michael Thompson (Baby Boy), Patrick Johnson (Half-Dead), Gary Oliver, Nobie Kennedy (No-Bone) and Richard, last name unknown AKA Bubba.
24. While in the county jail and in prison, people came up to me and warned me that I could be touched in jail if I didn't follow what Michael Thompson (Baby Boy), Patrick Johnson (Half-Dead), Nobie Kennedy (No-Bone), Gary Oliver and Richard, last name unknown AKA Bubba had told me.
25. When I was scheduled to testify at Stevie Stevenson's trial, Michael Thompson (Baby Boy), Nobie Kennedy (No-Bone), Patrick Johnson (Half-Dead), Gary Oliver and Richard, last name unknown AKA Bubba approached me everywhere I went and threatened to kill me and my family unless I continued to blame everything on Stevie Stevenson.
26. I was very scared to tell the truth. At the time Stevie Stevenson went to trial, I lied on him and identified him as Mike, due to the death threats I was receiving. However, due to my brush with death and God giving me a second chance at life, and me being a God fearing Christian, enough time has passed that I feel compelled to set the record straight. With the assistance of my family pastor, I want to tell the truth about what really happened and that Stevie Stevenson had nothing to do with the man tied up in the back of the Suburban that Michael Thompson (Baby Boy) was driving.

I declare under penalty of perjury that the following is true and correct.

Executed this 14<sup>th</sup> day of August, 2013

Kevin Richardson

Kevin C. Richardson

State of Nevada  
County of Clark

Subscribed and sworn before me on this 14<sup>th</sup> day of August, 2013

by Gabriella  
Notary Public in and for said county and state.



GABRIELLA RUSSO  
NOTARY PUBLIC  
STATE OF NEVADA

My Commission Expires: 9-27-2014  
Certificate No: 06-108122-1

FROM : Skip Saylor Recording

FAX NO. : 3234673515

Sep. 25 2013 05:27PM P6

STATE OF NEVADA       )  
                                  )  
COUNTY OF CLARK     )       ss.

COMES NOW your Affiant, being first duly sworn and deposes and says:

1. At all relevant times herein, I was employed as an Investigator by Elite Investigations, Inc., Private Investigator's License Number 873, and performed a wide variety of activities in the scope and course of my job duties, including performing Investigations.

2. I have personal knowledge of the facts referenced herein, and if called as a witness could testify competently thereto.

3. That I was asked by my employer to audio and video record the testimony of Kevin Richardson at our offices located in Las Vegas, Nevada.

4. The master videorecording produced by the office of Elite Investigations, Inc. for the period of August 14, 2013, represents full, complete and unedited videorecording of Kevin Richardson for the time period referenced herein and is held securely within the archives of Elite Investigations, Inc. The images captured on the videorecording are an accurate representation of the scene at the time it was captured.

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FROM : Skip Saylor Recording

FAX NO. : 3234673515

Sep. 25 2013 05:27PM P7

5. The master videorecording consists of a total of 10 minutes and 20 seconds and contains following date(s):

DATE:

8/14/13

INVESTIGATOR:

Jennifer Knight

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED: 8/14/13


  
Jennifer Knight

State of Nevada

County of Clark

Subscribed and sworn to before

me this 14<sup>th</sup> day of August, 2013, by Jennifer Knight

  
Notary Public in and for said county and state.



~~GENERAL RECORDERS~~  
~~ESTATE RECORDS~~  
~~STATE OF NEVADA~~  
By ~~Commission Expires 8-31-14~~  
Certificate No. ~~02-108122-1~~

# EXHIBIT

# 3A

**Affidavit of JuTaun Sanders**

I the undersigned, JUTAUN SANDERS, do hereby swear, certify and affirm that:

7 DDB 11-30-68

1. I am over the age of 18 and am a resident of the State of California. I currently reside at 248 Buckhorn Ave, Apt. #4 Inglewood, CA. I have personal knowledge of the facts herein, and, if called as a witness, could testify completely thereto.
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.
3. On September 30, 1993, while in Los Angeles California I signed the attached declaration regarding the conversation I had with Kevin Richardson in 1992 regarding his life being threatened by people forcing him to lie on Stevie Stevenson at his trial. I reiterate and stand by those statements documented in the attached declaration given in 1993.(see attachment#1)
4. I grew up with Stevie Stevenson and have known him since I was two years old. I also grew up with Kevin Richardson and have known him for many years. *SINCE 1971*
5. Prior to the trial for Stevie Stevenson, I had a conversation with Kevin Richardson. This conversation occurred at Ted Auto Parts where Kevin Richardson was then working. Kevin Richardson told me that two detectives had given him a subpoena to testify at Stevie Stevenson's trial. Kevin Richardson told me that someone had threatened both he and his girlfriend and that he did not want to testify.
6. After Stevie Stevenson was convicted, I had another conversation with Kevin Richardson, I asked him whether he testified for Stevie Stevenson, at which time Kevin Richardson told me he had testified against Stevie Stevenson. I asked Kevin Richardson why he did that and he stated that he testified the way he did because someone had threatened him. Kevin Richardson did not tell me the name (s) of the individual (s) who had threatened him to testify at Stevie Stevenson's trial.
7. In January of 1990, I was pregnant with my twins. I recall that Stevie Stevenson did not live in Los Angeles at the time. In fact, for several years prior to 1990, Stevenson did not live in city of Los Angeles.

8. I spoke to Stevie Stevenson every month. He would call me from places outside of Los Angeles and then leave his phone number with me so I could call him back. The phone numbers he gave me were not Los Angeles area phone numbers. I spoke to Stevie Stevenson in January, 1990 although I do not recall the specific day at this point in time.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 4<sup>th</sup> day of April, 2015.

X JuTuan Sanders

JuTuan Sanders

X Robert Freeman  
Robert Freeman



EXHIBIT #3

DECLARATION OF JATAUN SANDERS

I, Jataun Sanders, declare as follows:

1. I grew up with Stevie Stevenson and have known him since I was two years old. I also grew up with Kevin Richardson and have known him for many years.

2. Prior to the trial of Stevie Stevenson, I had a conversation with Kevin Richardson. This conversation occurred at Ted Auto Parts where Kevin Richardson was then working. Kevin Richardson told me that two detectives had given him a subpoena to testify at Stevie Stevenson's trial. Kevin Richardson told me that someone had threatened both he and his girlfriend and that he did not want to testify.

3. After Stevie Stevenson was convicted, I had another conversation with Kevin Richardson. I asked him whether he testified for Stevie Stevenson at which time Kevin Richardson told me he had testified against Stevie Stevenson. I asked Kevin Richardson why he did that and he stated that he testified the way he did because someone had threatened him. Kevin Richardson did not tell me the name(s) of the individual(s) who had threatened him to testify at Stevie Stevenson's trial.

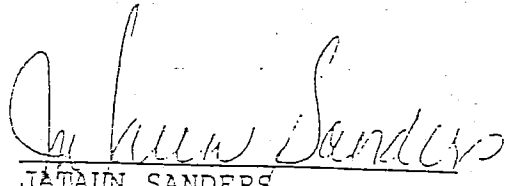
4. In January 1990 I was pregnant with my twins. I recall that Stevie Stevenson did not live in Los Angeles at the time. In fact, for several years prior to 1990, Stevie Stevenson did not live in Los Angeles.

//

EXHIBIT #3

5. I spoke to Stevie Stevenson regularly every month. He would call me from places outside of Los Angeles and then leave his phone number with me so I could call him back. The phone numbers he gave me were not Los Angeles area phone numbers. I spoke to Stevie Stevenson in January, 1990, although I do not recall the specific day at this point in time.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30 day of September, 1993, at Los Angeles, California.

  
JATAUN SANDERS

# EXHIBIT

# 4

3/0207 40/4

POST CONVICTION ASSISTANCE CENTER

A Professional Law Corporation  
12424 Wilshire Blvd., Suite 620  
Los Angeles, CA 90025

CHRISTA M. HOHMANN, DIRECTING ATTORNEY  
AMY KAYE, ATTORNEY  
RALPH JOSEPH NOVOTNEY, JR., ATTORNEY

November 17, 2013

Stevie Stevenson  
K16324 C1-227L  
Centinela State Prison  
P.O. Box 921  
Imperial, CA 92251-921

Dear Mr. Stevenson:

*Police Reports*

- 4) Copy of the Certified Mail receipt dated 9/13/07 with sent to information for you at Delano. **PLEASE NOTE: I have the original of this mail receipt. Please let me know in writing if you want me to send this to you in prison or if you want to me send it elsewhere.** I know that you do not want this item to get lost.
- 5) Enclosures sent with your letter dated May 3, 2013

In addition, enclosed please find those items that were given to me by the District Attorney's Office in response to your Cal. Penal Code section 1054.9 motion. I was in the process of reviewing the items in more detail; however, given your letter to the court, I have ceased my review and am sending them to you. The materials have been redacted pursuant to Cal. Penal Code section 1054.2. Because my office was not appointed to investigate, research, or prepare your habeas petition, I do not know if these materials satisfy the requests you made in your post-conviction discovery motion filed pursuant to Cal. Penal Code section 1054.9. Please let me know if they do. If they do not, please write to me with a detailed list of those items that are outstanding. The items are as follows:

- 1) LAPD Follow-up Investigation Report – DR 90-0706185 dated 1/23/90 (4 pages)
- 2) LAPD Arrest Report – Kevin Richardson (3 pages)
- 3) LAPD Preliminary Investigation Report (2 pages)
- 4) San Diego Arrest/Juvenile Contact Report (Marked pages 1-38 – missing pages 12, 32, 34, 36, & 38)
- 5) San Diego Regional Officer's Report Narrative – Statements of Kevin Richardson (Marked Pages 1-4 – missing page 4)
- 6) San Diego Regional Officer's Report Narrative – Statements of Tracy Gosha (Marked Pages 1-2)
- 7) LAPD Statement Form – Denise Michelle Manuel (1 page)
- 8) Consent to Search Premises signed by Tracy Gosha (1 page)
- 9) San Diego Police Department Vehicle Report (1 page)
- 10) San Diego Police Department Property Tag No. 501582 – Description of Property (1 page)
- 11) 1 page typed statement of Latanya Johnson
- 12) Extradition Request re Stevie Stevenson
- 13) Reporter's Transcript – Tuesday, March 31, 1992 – Case No. BA011908 – *People v. Stevie J. Stevenson* (57 pages)
- 14) Information – Case No. BA011908 - *People v. Stevie J. Stevenson* (2 pages)
- 15) Statement of Melvin Rodriguez (2 pages)
- 16) LAPD Property Report (1 page)
- 17) Handwritten Notes (3 pages)
- 18) LAPD Forensic Print Analysis (2 pages)
- 19) LAPD Property Report (3 pages)
- 20) Notice of Motion for Continuance Pursuant to Penal Code section 1050 filed by Attorney Cheroske (3 pages)
- 21) Notice of Motion for Discovery filed by Attorney Cheroske (9 pages)

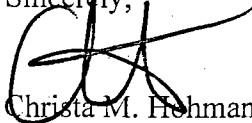
- 22) Information – Case No. BA011908 – *People v. Kevin Christopher Richardson* (2 pages)
- 23) Felony Complaint – Case No. BA011908 (5 years)
- 24) Reporter's Transcript – Preliminary Hearing – Thursday, March 22, 1990 - *People v. Kevin Christopher Richardson* (55 pages)

Furthermore, as I noted earlier, the court provided me a copy of your additional request for discovery and progress/status report request under Penal Code Section 1054.9 in which you detail 6 other discovery item requests as follows:

- 1) Any deals made between Tracey Gosha and the prosecution
- 2) Any receipts that depicts Tracey Gosha being given money by the prosecution and/or the Detective Larry headwall or Norm Jackson
- 3) Any and all allegations of misconduct against Detectives Larry Headwall, Norm Jackson or prosecutor Patricia Wilkinson
- 4) Any and all recorded and written interviews of Tracey Gosha by Detectives Larry Headwell, Norm Jackson, and Patricia Wilkinson
- 5) Any and all logs of where Tracey Gosha was held, how long she was held and who interviewed her from the San Diego Police Department both detectives and police officers
- 6) Any and all motions filed by Petitioner's trial attorney John Cheroske before and after trial

The deputy district attorney that was handling your request for post-conviction discovery has retired. I have forwarded a request for these additional 6 items to the deputy district attorney, who has replaced him. *See In re Steele* (2004), 32 Cal.4<sup>th</sup> 682, 692 (suggesting informal efforts to resolve post-conviction discovery matters pursuant to Cal. Penal Code section 1054.9 be utilized). However, let me ask you with respect to item #3 – are you referring to information in the detectives personnel files? If so, you need to file a separate motion requesting this information pursuant to *Hurd v. Superior Court* (2006), 144 Cal.App.4<sup>th</sup> 1100. I have enclosed a copy of this case for your review.

Sincerely,



Christa M. Hohmann  
Attorney at Law

# EXHIBIT

#5



DIV. 36

1 JOHN J. CHEROSKE, State Bar #35874  
 2 MORGAN, CHEROSKE & REAMER  
 3 ATTORNEYS AT LAW  
 4 23505 Crenshaw Boulevard  
 5 Suite 129  
 6 Torrance, California 90505  
 7 (213) 325-5141

8 Attorneys for Defendant, ~~STEVIE STEVENSON~~

9 Time: 11:50 o'clock A M  
 10 Office of the District Attorney

11 By: A. J. [Signature]

12 IN THE MUNICIPAL COURT OF THE LOS ANGELES JUDICIAL DISTRICT

13 Forward to: DIV. 36  
 14 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

15 PEOPLE OF THE STATE OF  
 16 CALIFORNIA,

17 Plaintiff,

18 vs.

19 STEVIE STEVENSON,

20 Defendants.

Case No. BA011908

NOTICE OF MOTION FOR DISCOVERY

Date: March 5, 1992

Time: 8:30 a.m.

Div : 36 = D.115

Trish Wilkerson OOA

21 TO: THE DISTRICT ATTORNEY FOR LOS ANGELES COUNTY, IRA REINER,  
 22 AND/OR HIS REPRESENTATIVE:

23 PLEASE TAKE NOTICE that on the 5th day of March, 1992, at the  
 24 hour of 8:30 a.m., or as soon thereafter as the matter may be  
 25 heard in the courtroom of Division 36 of the above-entitled court  
 26 the Defendant, STEVIE STEVENSON, will, through his attorney move  
 27 the above-entitled court for an order of said court directing you  
 28 to make available to the defendant's attorney for examination,  
 copying or hearing, any and all of the following things, facts or  
 information in possession of either you or any of your deputies,  
 employees or agents:

1 1. Copies of the audio tapes of the telephone taps as are  
2 referred to in the police reports and or transcriptions thereof.

3 2. Copies of the taped interviews of all witnesses including  
4 but not limited to Richardson, Gosha and McMath as are referred to  
5 in the police reports together with any transcriptions thereof.

6 3. Copies of any latent lift reports from any vehicles or  
7 items retrieved in the investigation as are referred to in the  
8 police reports.

9 4. Copies of all six-pack photo show ups presented to  
10 witnesses and the follow up reports dealing therewith.


11 5. Copies of the Los Angeles Police Department taped  
12 interviews of all witnesses including LaTonya Johnson and  
13 Richardson.

14 DATED: February 28, 1992

Respectfully submitted,

MORGAN, CHEROSKE & REAMER

15  
16  
17 BY:

  
JOHN J. CHEROSKE  
Attorney for Defendant,  
STEVIE STEVENSON

1                                    MEMORANDUM OF POINTS AND AUTHORITIES

2                    Under pretrial discovery procedure, it has been held that  
3 prior to trial and during the course of the trial, the accused can  
4 compel the prosecution to permit inspection and copying or to  
5 produce in court any of the following:

6                    Results of chemical blood test of Defendant

7                                    People v Lowe 285 App. Div. 207 [136 NYS 2d 454]

8                                    Pinana v State (1960) 76 Nev. 274 [352 P 2d 824]

9                    Reports on Victim's Sobriety

10                                   People v Pargo (1966) 241 Cal App 2d 594, 599-600 [50 Cal  
11 Rptr 719]; "We think it may be safely said that a witness who is  
12 intoxicated by a narcotic at the time of the event as to which he  
13 is testifying will be subject to frailties as an observer and  
14 narrator equal to those suffered by one drunk from an alcoholic  
15 beverage."

16                                   "[G]enerally it is proper to permit a goodfaith inquiry  
17 made relevant by proper expert testimony as to the effect of  
18 narcotic usage upon the testimonial capacity of a witness..."

19                    Written Statements of the accused.

20                                   Z. v Superior Court (1970) 3 Cal 3d 797, 802 [91 Cal Rptr  
21 594, 478 P 2d 26]; "This court has on several occasions sanctioned  
22 the inspection of statements, admissions or recorded conversations  
23 of a defendant in a criminal case."

24                                   Powell v Superior Court (1957) 48 Cal 2d 704 [312 P 2d  
25 698]

26                                   McAllister v Superior Court (1957) 165 Cal App 2d 297  
27 [331 P 2d 654]  
28

1           Written Statements of Codefendants

2           Z v Superior Court, supra; "As a general rule, a  
3 defendant in a criminal case may, for purposes of impeachment,  
4 inspect the statements or recorded conversations of any witness  
5 whom the prosecution intends to call at trial. This rule has been  
6 extended to include the statements of one's codefendants in a joint  
7 trial."

8           People v Arnada (1965) 63 Cal 2d 518, fn 6 [47 Cal Rptr  
9 353, 407 P 2d 265]; "As a preliminary to a joint trial, one  
10 defendant is entitled to statements made to police by any  
11 codefendant."

12           Transcripts of recorded statements of the accused

13           Cash v Superior Court (1959) 53 Cal 2d 72 [346 P 2d 407]

14           Written statements of prosecution witnesses relating to  
15 matters covered in their testimony

16           People v Chapman (1959) 52 Cal 2d 95 [338 p 2d 428]

17           People v Silberstein (1958) 159 Cal App 2d 848 [323 P 2d  
18 591]

19           Written statements of prosecution witnesses relating to  
20 matters covered in testimony at the preliminary hearing

21           Tupper v Superior Court (1958) 51 Cal 2d 263 [331 P 2d  
22 977]

23           Fryer v United States 207 F 2d 134

24           Transcripts of tape recordings of statements made by the  
25 accused and by prosecution witnesses

26           Powell v Superior Court, supra

27           Powell v Cartier (1959) 51 Cal 2d 590 [335 P 2d 114]

28           Transcripts of statements used by the prosecution in

1 impeaching an accused's witness

2 People v Carter (1959) 48 Cal 2d 737 [312 P 2d 665]

3 Notes made by police officers of their conversations with  
4 prosecution witnesses

5 Funk v Superior Court (1959) 52 Cal 2d 423 [340 P 2d 665]

6 Statements of Nontestifying Witnesses

7 Vetter v Superior Court (1961) 189 Cal App 2d 132 [137  
8 [10 Cal Rptr 890]

9 Letters of Witnesses

10 People v Davis (1971) 20 Cal App 890 [98 Cal Rptr 71];  
11 Communications from the office of the District Attorney to  
12 prospective witnesses may constitute an attempt to suppress  
13 evidence.

14 Third party Suspects

15 People v Guillebeau (1980) 107 Cal App 3d 531 549 [166  
16 Cal Rptr 45]; As an established principle, a defendant may show  
17 that another person committed the crime and that he himself is  
18 innocent."

19 Offers of Leniency

20 People v Allen 1978 77 CAL App 3d 924, 931 [144 Cal Rptr  
21 6]

22 Record of Victim to show Aggression

23 Engstrom v Superior Court (1971) 20 cal App 3d 240, 245  
24 [97 Cal Rptr 484]

25 Radio Transmissions

26 80 Ops Atty 908 (1981); Tape recordings of radio and  
27 telephone calls to the police department and the times of police  
28 and ambulance responses are public records within the meaning of

1 Section 6200 of the Government code and may not be destroyed for  
2 a least two years.

3       **Physical Evidence**

4               People v Cooper (1960) 53 Cal 2d 755, 770 [3 Cal Rptr  
5 148, 349 P 2d 964]; Schindler v Superior Court (1958) 161 Cal App  
6 2d 513, 520 [327 P 2d 68]; The defendant is entitled to inspect any  
7 physical evidence obtained by the prosecution during the  
8 investigation of the case.

9       **Identity of Experts**

10               People v Johnson (1974) 38 Cal App 3d 228, 235 [113 Cal  
11 Rptr 303]; "Where it is appropriate, the defendant may discover  
12 the reports of the state's experts concerning their examination of  
13 real evidence [citation omitted] discovery of identity of state  
14 experts is analogous."

15       Photographs that had been exhibited to the victim of the  
16 accused's conversation with police officers and of conversations  
17 between police officers and the purported victims.

18               Vance v Superior Court (1958) 51 Cal 2d 92 [330 P 2d 773]

19               People v Cartier, supra.

20       **Reports on Lineup**

21               Norton v Superior Court (1959) 173 Cal App 2d 133 [-343  
22 P 2d 139]; The defendant is entitled to discover photographs which  
23 were exhibited to witnesses for the purpose of identification, in  
24 order to attempt to impeach these witnesses at trial.

25       **Identity of Witnesses**

26               People v Morris (1964) 226 Cal App 12, 15 [37 Cal Rptr  
27 741]; " A defendant's right to pretrial discovery in a criminal  
28 case is well established in California. [Citations omitted]. This

1 right is in accord with the philosophy expressed in People v Riser  
2 [cite omitted] that the defendant's right to a fair trial and  
3 extends to the manes of the prosecution witnesses..."

4 Absent some governmental requirement that information be kept  
5 confidential for the purpose of law enforcement, the State has no  
6 interest in denying the accused access to all evidence that can  
7 throw light on issues in this case.

8 People v Riser (1956) 47 Cal 2d 566 [305 P 2d 1]

9 The state's obligation is not to convict, but to see that so  
10 far as possible, truth emerges. This is also truly the ultimate  
11 statement of its responsibility to provide a fair trial under the  
12 Due Process Clause of the Fourteenth Amendment. No respectable  
13 interest of the State is served by its concealment of information  
14 which is material, generously conceived, to the case, including all  
15 possible defenses.

16 Gales v State of Maryland (1967) 386 U.S. 68 [87 S Ct  
17 793]

18 The prosecution has a duty to disclose and produce evidence  
19 which might aid the defense.

20 In re Ferguson (1971) 5 Cal 3d 525 [96 Cal Rptr 594, 487  
21 P 2d 1234]

22 The prosecution is required to make diligent good faith  
23 efforts to obtain and make available to the defense pertinent  
24 information possessed by other agencies within the criminal justice  
25 system.

26 Engstrom v Superior Court (1971) 20 Cal App 3d 240 [97  
27 Cal Rptr 484]

28 The prosecution not only has a duty to disclose evidence

1 favorable to the accused (In re Ferguson, supra) but there is also  
2 an affirmative duty to eliminate any misunderstanding or mistakes  
3 in the minds of defense counsel concerning the state of the  
4 evidence.

5 People v Dena (1972) 25 Cal App 3d 1001 [102 Cal Rptr  
6 357]

7 In some cases, the prosecution must, without request, disclose  
8 substantial material evidence favorable to the accused.

9 People v Campbell (1972) 27 Cal App 3d 849 [104 Cal Rptr  
10 118]

11 People v Dena, supra

12 The defense is entitled to the true names and current  
13 addresses of informants who may possibly testify favorably on  
14 Defendant's behalf, including at the time of the preliminary  
15 hearing.

16 Alford v Superior Court (1972) 29 Cal App 3d 724 [105 Cal  
17 Rptr 713]

18 People v Holiday (1973) 8 Cal 3d 771 106 Cal Rptr 113,  
19 505 P 2d 537]

20 Mitchell v Superior Court (1958) 50 Cal 2d 827 [220 P 2d  
21 48]

22

23

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27

28



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 23505 Crenshaw Boulevard, Suite 129, Torrance, California 90505.

On February 28, 1992, I served the foregoing document described as NOTICE OF MOTION FOR DISCOVERY on interested parties in this action

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list: xx by placing     the original xx a true copy thereof enclosed in sealed envelopes addressed as follows:

*Tom Miller*  
Deputy District Attorney  
210 West Temple Street  
Los Angeles, CA 90012

    BY MAIL as follows:

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Torrance, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

xx BY PERSONAL SERVICE:

I delivered such envelope by hand to the office of the addressee.

Executed on February 28, 1992 at Torrance, California.

xx STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

    FEDERAL I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

*Louis F. Jones*  
LOUIS F. JONES

# EXHIBIT

#6

EXHIBIT #5

DECLARATION OF IVY K. KESSEL

I, Ivy K. Kessel declare as follows:

1. I was the appellate attorney appointed by the California Court of Appeal to represent appellant Stevie Stevenson in his direct appeal and related habeas petition in case number B070341.

2. Between the months of June and August, 1993, and in the course of preparing Mr. Stevenson's opening brief and original habeas petition in the Court of Appeal, I made continuous efforts to contact his trial attorney, John Cheroske, at least one dozen times. Upon my first call to Mr. Cheroske's former law office, I learned that he had been appointed to the bench. I then called him in court and left at least five messages with his clerk and bailiff. Mr. Cheroske finally called me back after I had left many messages for him to return my call.

3. I advised Mr. Cheroske that I needed his trial file for the Stevenson case at which time he told me it was in storage under the control of his former law office. He advised me he would make arrangements to have his former firm release that file to me. I waited and waited and made periodic calls to the law firm of Morgan & Reamer in Torrance which is the firm Mr. Cheroske told me had the file. I was repeatedly told that arrangements have been made to get the Stevenson file out of storage.

4. When it became evident to me that I was never going to acquire Mr. Cheroske's trial file prior to the deadline for filing appellant's opening brief, I went ahead and filed the opening brief on August 20, 1993. I subsequently filed a habeas petition in November, 1993, raising ineffective assistance of counsel. Since I still had not been given Mr. Cheroske's trial file, I was forced to proceed with affidavits I was able to acquire from various witnesses without the benefit of reviewing the trial file.

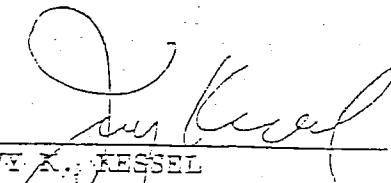
5. Long after Mr. Stevenson's case was decided by the Court of Appeal and upon a final plea for Mr. Stevenson's case file, the law firm of Morgan & Reamer finally sent me the requested file on or about April 6, 1994, some eight months after I had been requesting the file. Since the Court of Appeal had already decided Mr. Stevenson's case on November 24, 1993, and my appointed services for Mr. Stevenson had terminated, I immediately sent Mr. Stevenson Mr. Cheroske's trial file.

6. I have reviewed portions of Mr. Cheroske's trial file and have discussed with Mr. Stevenson some matters which I feel show that Mr. Cheroske did not represent Mr. Stevenson effectively. Some of these matters are being raised for the first time in Mr. Stevenson's second habeas petition because the information simply was not accessible to either him or I prior to April 6, 1994.

///

EXHIBIT #5

I declare under penalty of perjury that the foregoing is true and correct. Executed this 22nd day of August, 1994 at Encino, California.

  
IVEY A. KESSEL

# EXHIBIT

# 7

- 1) LAPD Follow-up Investigation Report – DR 90-0706185 dated 1/23/90 (4 pages)
- 2) LAPD Arrest Report – Kevin Richardson (3 pages)
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- 23) Felony Complaint – Case No. BA011908 (5 years)
- 24) Reporter's Transcript – Preliminary Hearing – Thursday, March 22, 1990 - *People v. Kevin Christopher Richardson* (55 pages)

VS v. Heathcote 1990

**EXHIBIT**

#8

**Affidavit of Lamont Johnson**

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

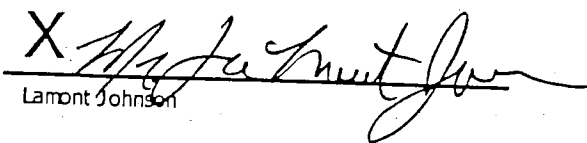
I the undersigned, LAMONT JOHNSON, do hereby swear, certify, and affirm that:

1. I am over the age of 18 and am a resident of the State of California.
2. I am the brother of La Tanya Johnson, a witness who testified for the state in the case of People vs. Stevie Stevenson.
3. On January 19, 1990, I lived at 1843 S. Dunsmuir Ave, Los Angeles, CA with my sister La Tanya, my mother, Step father, as well as my other two sisters and a nephew.
4. My sister was arrested on January 19, 1990 from our family home.
5. On January 20, 1990, the day after my sister LaTanya Johnson was arrested, she and I were having a conversation regarding her physical condition. During our conversation she explained that she had been grabbed by the neck, choked and her head was slammed against our neighbor's metal garage door by the police officers that arrested her. La Tanya also told me that the police arrested our neighbors and friends Donald Manuel, Denise Manuel, and Diane Manuel, La Tanya also stated that Donald Manuel was beaten up very badly by the police.
6. La Tanya stated that while she was at the police station she was drilled for hours by the police for details about a kidnapping that involved her ex-boyfriend Stevie Stevenson. LaTanya stated that she continuously told the police that she didn't know anything about the kidnapping and despite her telling them she didn't know anything she was threatened by the police with more physical harm and a life sentence if she didn't tell them what they wanted to hear.
7. La Tanya told me that she was terrified and thought that the police might assault her again so she just agreed with what she was told by the police who interviewed her.
8. A few days after my sister, La Tanya's arrest, Stevie Stevenson came over to my parents' house and asked to speak with my sister LaTanya. I accompanied her outside, and stood by her side as they spoke.



9. I heard Stevie apologizing to my sister saying "I am sorry this happen to you, it wasn't my fault." He stated that "Baby Boy and them lied to me. I would never involve you in anything like this, and I didn't know what was going on." My sister was very angry with Stevie and didn't want to talk to him; she walked away from the yard and went into the house.
10. When my sister went back in the house Stevie asked me to tell my parents that he was sorry for getting La Tanya arrested. Stevie apologized to me and explained that, "a guy named "Baby Boy" asked him if he could have some dropped off in LA until he got back from San Diego." Stevie stated that, he called my sister and introduced her to Baby Boy and asked if Baby Boy could have something dropped off. Stevie Said he let Baby Boy speak to my sister. Stevie said, that he didn't know what Baby Boy was having dropped off to my sister had anything to do with any kidnapping because, had he known there was no way he would have gotten my sister involved.
11. About two years later my sister LaTanya Johnson told me that she had been called to testify against Stevie Stevenson at his trial. LaTanya stated "she testified to what the police instructed her to say happen, because she wasn't going to jail for life for something that Stevie and his friend involved her in."
12. I have personal knowledge of the facts and am willing to testify if called upon.
- I, declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of January, 2015.

X   
Lamont Johnson

SEE CALIFORNIA NOTARY  
CERTIFICATE

1-22-2015

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)  
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

\_\_\_\_\_

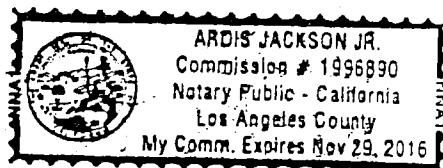
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles



Subscribed and sworn to (or affirmed) before me  
on this 22nd day of JANUARY, 2015,  
by \_\_\_\_\_  
Date Month Year

(1) LAMONT JEROME JOHNSON

(and (2) N/A),  
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence  
to be the person(s) who appeared before me.

Signature

\_\_\_\_\_

Signature of Notary Public

Seal  
Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: AFFIDAVIT OF LAMONT JOHNSON Document Date: 1-22-2015

Number of Pages: 2 Signer(s) Other Than Named Above: None

# EXHIBIT

# 9

LAW OFFICES OF RICHARD M. MOORE  
429 Santa Monica Boulevard  
Suite 600  
Santa Monica, California 90401

(213) 393-9323

Attorneys for Plaintiffs

**FILED**

MAY 20 1990

FRANK E. ZELIN COUNTY CLERK

C. L. Coleman

BY CL. COLEMAN, DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DONALD MANUEL JR., DENISE  
MANUEL, CAROLYNE LAKEY,

Plaintiffs,

vs.

CITY OF LOS ANGELES, LOS  
ANGELES POLICE DEPARTMENT,  
DOES 1 THROUGH 50, INCLUSIVE,

Defendants.

CASE NO.

BC002201

COMPLAINT FOR:

1. ~~ASSAULT AND BATTERY~~
2. FALSE IMPRISONMENT
3. INTENTIONAL INFLICTION  
OF EMOTIONAL DISTRESS
4. NEGLIGENCE INFLICTION  
OF EMOTIONAL DISTRESS
5. NEGLIGENCE EMPLOYMENT
6. VIOLATION OF 42 U.S.C.  
SECTION 1983

Case assigned to  
JUDGE HUTCHILL

COMES NOW Plaintiffs, Donald Manuel Jr., Denise Manuel,  
Carolyn Lakey, and La Tanya Johnson, for cause of action against  
the Defendants, and each of them, allege as follows:

I.

FIRST CAUSE OF ACTION  
(ASSAULT AND BATTERY)

1. That Plaintiffs are, and at all times mentioned  
herein were, residents of the City of Los Angeles, in the County  
of Los Angeles, State of California.

2. That all of the acts herein complained of occurred  
in the County of Los Angeles, State of California.

1 then re-entered her residence.

2 A few minutes later, Plaintiff Donald Manuel, Jr., exited the  
3 residence, inspected the box, and re-entered the residence.  
4 Approximately five (5) minutes later, Donald Manuel, Jr. exited and  
5 walked towards his vehicle parked in front of the residence. At  
6 this time, an unidentified officer came from behind him with a  
7 shotgun and stated "Freeze, don't move." Donald Manuel, Jr. then  
8 placed his hands above his head whereupon the officer hit him in  
9 the back of the head and he was thrown against his vehicle.  
10 Another officer then put a knee in the middle of his back and  
11 pulled his arms back around him and handcuffed him. After being  
12 handcuffed, several unidentified officers carried him to a car. As  
13 Donald Manuel, Jr. was being placed in the police vehicle, he was  
14 turned around and struck in the stomach by an officer. He was then  
15 turned back around and thrown onto first the back seat and then the  
16 floor of the police vehicle. Donald Manuel, Jr. recalled that  
17 there were two (2) white officers, one (1) later identifying  
18 himself as Officer Brooks.

19 The officers then drove off with Donald Manuel, Jr. The  
20 taller officer, who was sitting in the back seat with Donald  
21 Manuel, Jr., struck him a couple of times yelling at him and  
22 requesting him to answer questions. After being questioned, the  
23 same officer then pulled Donald Manuel, Jr. off of the floor and  
24 sat him in an upright position, whereupon he elbowed Plaintiff in  
25 the stomach area. The officer then placed a plastic bag over his  
26 head so that he could not breathe. The plastic bag was kept on for  
27 approximately ten (10) seconds. While the officer was doing this,  
28 he kept repeating the same questions and Donald Manuel, Jr. kept

1 responding that he did not know.

2 After several minutes of this questioning, the officers  
3 returned to Dunsmuir Avenue and took Donald Manuel, Jr. out of the  
4 car and walked him to the corner whereupon he saw his sisters,  
5 Diane Manuel and Denise Manuel with LaTanya Johnson. Donald  
6 Manuel, Jr. stood on the corner for approximately two (2) minutes  
7 whereupon the officers placed him and his sister Diane Manuel in a  
8 squad car and took them down to the precinct.

9 At the police station, they separated all of the Plaintiffs.  
10 and Donald Manuel, Jr. was again questioned for approximately three  
11 to four (3 - 4) hours in regard to the kidnapping.

12 Denise Manuel was in her room at the time of the incident.  
13 Earlier in the day Denise Manuel had received a telephone call from  
14 Plaintiff LaTanya Johnson asking her if there was a box outside of  
15 her home, Denise went to the front of her house and looked out the  
16 window. She returned to the telephone and told LaTanya that the  
17 box was out there. At that time, LaTanya requested her to pick up  
18 the box and place it on her porch, which she did.

19 Subsequent thereto, she heard her brother Donald leave the  
20 house. A few seconds later Donald re-entered the house and came  
21 into her room and asked whose box was on the porch. She responded  
22 that it belonged to LaTanya.

23 Several minutes had elapsed when she heard loud noises and  
24 yelling outside. Denise and her sister Diane Manuel went to the  
25 front door and opened it. At that time, some unidentified men told  
26 them to come down the stairs with their hands up. As Denise Manuel  
27 descended the stairs, an officer wearing glasses frisked her and  
28 then handcuffed her. Denise was then thrown onto the cement. At



1 this time, the officer pushed her head to the right as her sister  
2 Diane Manuel was being frisked and handcuffed and also thrown onto  
3 the ground. During this time, Denise Manuel was questioned as to  
4 her name and telephone number. She was also questioned as to  
5 whether anyone else was in the house.

6 Denise was then yanked up by the handcuffs and dragged down  
7 the street by an officer that was described as thin and wearing  
8 glasses. During the officer's questioning of her, she was  
9 continually told that she was going to the "gas chamber" and that  
10 she should cooperate, the officers also used obscenities towards  
11 her.

12 Denise was held at this location for approximately thirty to  
13 forty-five (30 - 45) minutes when she noticed that five to seven (5  
14 - 7) men had gone into her house and were searching the residence.

15 Upon arrival at the police station, she had been seated for  
16 approximately one (1) hour without being interrogated. During the  
17 questioning, she was asked in regard to her relationship with  
18 Stevie Stevenson, wherein she responded that LaTanya and Stevie had  
19 been boyfriend and girlfriend and knew each other from high school,  
20 however she had not seen Stevie since May of 1989.

21 Denise was questioned for approximately three to four (3 - 4)  
22 hours prior to her release.

23 LaTanya Johnson was at her home in the afternoon when she  
24 received a telephone call from Stevie Stevenson asking her to place  
25 a cardboard box outside the Manuels' residence. After placing the  
26 box at that location, LaTanya returned to her home. Several hours  
27 later, LaTanya went outside and noticed that there were a large  
28 amount of cars outside of the Manuel residence. LaTanya telephoned

1 Denise and told her to look out her window. As LaTanya was looking  
 2 out the window, she observed Donald Manuel, Jr. coming outside to  
 3 his car, whereupon several officers descended upon him.  
 4 Thereafter, LaTanya observed Diane Manuel coming out of the  
 5 residence.

6 At this time, LaTanya ran out of her home down the street  
 7 towards the Manuel residence. There she observed Diane Manuel and  
 8 Denise lying face down and handcuffed on the cement.

9 The officers then told LaTanya to go back to her residence,  
 10 and upon her return she telephoned her mother, Carolyn Lakey.  
 11 After her telephone conversation, two (2) plainclothes officers  
 12 approached a window and told LaTanya to come outside.

13 LaTanya was grabbed by three (3) officers that walked her into  
 14 her driveway. One (1) officer questioned her with profane language  
 15 and requested her to tell the whereabouts of the victim and  
 16 kidnappers. At this time, one (1) officer grabbed her by the neck  
 17 and LaTanya was slammed up against her neighbor's metal garage  
 18 door. Throughout this entire time, the officers used profane and  
 19 abusive language in regard to questioning her.

20 Plaintiff was then lead down the street and placed in a police  
 21 vehicle and taken down to the station. She was questioned for  
 22 several hours, and then released.

23 After Carolyn Lakey received the telephone call from her  
 24 daughter LaTanya, she left her place of business and drove home.  
 25 Carolyn was unable to go home, as the police had blocked off  
 26 Dunsmuir Avenue. Upon her arrival, she noticed approximately seven  
 27 (7) police officers and another fifteen (15) people in the  
 28 vicinity. Carolyn stood there approximately twenty (20) minutes



1 asking other neighbors and the police what had occurred, and was  
2 told there was a hostage situation. At this time, Carolyn observed  
3 that the Manuel front door was open and that the garage door was  
4 partially torn off.

5 Approximately twenty (20) minutes later, Plaintiff observed  
6 the officers bring a handcuffed Diane Manuel down the street and  
7 after frisking her, placed her in a police vehicle. Approximately  
8 two to three (2 - 3) minutes later, other officers brought Denise  
9 Manuel down the street, also handcuffed, frisked her and placed her  
10 in a police vehicle. Donald Manuel, Jr. was also brought down the  
11 hill in the same manner. Several minutes elapsed when Carolyn  
12 observed LaTanya being brought down the hill also handcuffed.  
13 Carolyn observed that Diane Manuel appeared to be quite shaken and  
14 that she seemed to have been physically man-handled. Carolyn also  
15 observed that Donald appeared to have been roughed-up as one side  
16 of his face appeared red and his shirt was soiled. Carolyn also  
17 observed that LaTanya was wearing her pajamas and that she also  
18 looked roughed-up.

19 Prior to LaTanya being placed in a police vehicle, Carolyn was  
20 able to move through the crowd and speak to her, as she was  
21 concerned regarding her grandson, Kenny, as he was in the house  
22 with LaTanya. Kenny had become so frightened by the police that  
23 after LaTanya had been placed in custody, he had ran back into the  
24 house and had become so frightened that he had soiled himself.

25 Thereafter Carolyn was allowed to go to her home, whereupon  
26 she observed that the officers had broken into her locked room and  
27 basically ransacked her entire home.

28 //

## 1 II.

2 STATEMENT OF THE CASE

3 On or about January 19, 1990, a kidnapping for ransom had  
4 occurred. One of the kidnappers, a Stevie Stevenson, contacted  
5 Plaintiff LaTanya Johnson and requested her to place a box outside  
6 of the Manuel residence. At that time, the Robbery Homicide  
7 Division of the Los Angeles Police Department had intervened and  
8 staked out the Manuel residence.

9 The officers observed Denise Manuel exit her residence and  
10 place the cardboard box onto her porch. After the officers  
11 observed Donald Manuel, Jr. exit the residence and walk to his  
12 vehicle, they arrested him and secured the residence, and were  
13 instructed to await S.W.A.T.

14 The officers then ordered Denise and Diane Manuel to exit the  
15 residence whereupon they were detained, interrogated, and then  
16 placed under arrest. The officers then proceeded to ransack the  
17 Manuel residence. During this time, the officers identified  
18 LaTanya Johnson as a possible kidnapper, whereupon they ordered  
19 LaTanya Johnson out of her residence, and arrested her.  
20 Subsequently thereto, they entered this residence owned by  
21 Plaintiff Carolyn Lakey and proceeded to ransack that residence.

22 After interrogating the Plaintiffs and making their on-  
23 location search, it was determined that the Plaintiffs were not  
24 involved in the kidnapping, and the victim was not at either  
25 location. Detective Norman Jackson surmised that the Manuels had  
26 been duped into picking up the ransom by the actual kidnappers.  
27 Jackson decided not to book the Manuels and to use their statements  
28 as witnesses against other Defendants.

1 On or about February 12, 1990, Plaintiffs presented a claim to  
 2 Defendant City of Los Angeles by mailing a claim to the City Clerk  
 3 of the City of Los Angeles. Defendant City of Los Angeles rejected  
 4 said claim by letter to Plaintiffs dated April 11, 1990.

5 On or about May 30, 1990, Plaintiffs filed a complaint for: 1) ~~Assault and Battery~~  
 6 ~~Assault and Battery~~; 2) False Imprisonment; 3) Intentional  
 7 Infliction of Emotional Distress; 4) Negligent Infliction of  
 8 Emotional Distress; 5) Negligent Employment; and 6) Violation of 42  
 9 U.S.C. Section 1983.

10 On or about July 12, 1990, the City filed an answer to said  
 11 complaint.

12 On or about May 22, 1991, the two cases, one filed by  
 13 Plaintiffs Donald Manuel, Jr., Denise Manuel, Carolyn Lakey, and La  
 14 Tanya Johnson, was consolidated with the case filed by Diane  
 15 Manuel.

16 On or about July 8, 1992, the arbitrator awarded the  
 17 following: 1) Donald Manuel, Jr. - \$34,000.00; 2) Denise Manuel -  
 18 \$17,394.00; 3) Carolyn Lakey - \$26,000.00; 4) LaTanya Johnson -  
 19 \$17,000.00; and 5) Diane Manuel - \$25,000.00. On or about July 16,  
 20 1992, Defendant filed a Request for Trial De Novo.

### 21 III.

#### 22 SPECIAL DAMAGES

23 ~~Donald Manuel, Jr.~~  
 24 1. Donald Manuel, Jr. sustained injuries to his neck, the  
 25 back of his head, mouth, and facial lacerations. He underwent  
 26 surgery to his mouth. Implants were placed in his mouth during a  
 27 three month process. The two front teeth were removed and replaced  
 28 by false teeth. A root canal on the bottom tooth, which was

1 chipped, was performed. Once the root canal was performed, he  
2 proceeded to have the bottom tooth crowned.

3 Donald Manuel, Jr. also underwent physical therapy.

4 **Medical Damages:**

5	1. Southgate Dental Group	\$ 3,675.00
6	2. Hawthorne Doctors Group	\$ 2,026.00

7 **Property Damage:**

8	3. West Coast Paint and Body Shop	\$ 147.04
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9	<u>TOTAL:</u>	<u>\$ 5,848.04</u>
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10 **Denise Manuel:**

11 Denise Manuel sustained injuries to her wrist, entire back,  
12 neck, and developed recurring headaches. She received physical  
13 therapy.

14 **Medical Damages:**

15	1. Hawthorne Doctors Group	\$2,630.00
16	2. Medical Incidentals	\$ 8.55

17 **Property Damage:**

18	3. Clothing Damage	\$ 158.99
19	4. Wright and Associates	\$1,500.00
20	(Property damage to house)	
21	5. Residence Clean-up	\$ 496.00

22	<u>TOTAL:</u>	<u>\$4,793.54</u>
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23 **Latanya Johnson:**

24 Latanya received injuries to her neck, back, knee, and wrist.  
25 She underwent physical therapy.

26 **Medical Damages:**

27	1. Hawthorne Doctors Group	\$2,240.00
----	----------------------------	------------

28 //



## 1 Property Damage:

2	2. Gold earrings	\$ 150.00
3	3. Shirt	\$ 54.00
4	4. Pants	\$ 60.00
5	5. Gold bracelet	\$ 130.00
6	6. Miscellaneous Property Damage	\$ 134.00
7		<u>TOTAL: \$3,028.00</u>

8 Carolyn Lakey:

9 Carolyn stated that she a had pain and discomfort in her right  
 10 foot as well as pain in her neck and back. She received physical  
 11 therapy.

## 12 Medical Damages:

13	1. Hawthorne Doctors Group	\$1,850.00
----	----------------------------	------------

## 14 Property Damage:

15	2. Back gate replacement	\$ 500.00
16	3. Garage door	\$ 500.00
17	4. Replacement of linoleum tiles	\$ 250.00
18	5. Replacement of bedroom door	\$ 400.00
19	6. Replacement of closet door	\$ 450.00
20	7. Replacement of entire bedroom set	\$2,500.00
21	8. Repair of vacuum	\$ 150.00
22	9. Damaged fabric	\$ 350.00
23	10. Replacement of bedroom curtain rods	\$ 80.00
24	11. Replacement of wallpaper	\$ 350.00
25	12. Dry cleaning bill	\$ 250.00
26	13. Restaining of back door	\$ 100.00
27	14. Replacement of white area rug	\$ 100.00
28	15. Labor for cleaning of residence	\$ 500.00

# EXHIBIT

#10



# SUPERIOR COURT

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

**WARNING! -- READ THIS! -- YOU COULD BE SENT TO PRISON!**

DO NOT REMOVE, DAMAGE OR CONCEAL THIS FILE, OR CHANGE OR TAKE ANYTHING  
OF IT, OR TAKE IT APART FOR ANY REASON. IF YOU DO, YOU ARE GUILTY OF  
SERIOUS CRIME, AND COULD BE SENT TO STATE PRISON. (SECTION 6200 AND  
OF THE CALIFORNIA GOVERNMENT CODE)

1/10/17 4/10/17

RECEIVED

FILED

NOTED

**CLOSED**

Assigned to  
for review

7-1-0



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DIANE MANUEL,

CASE NUMBER

Plaintiff,

vs.

CITY OF LOS ANGELES, ET AL.,

## CERTIFICATE OF ASSIGNMENT

Defendants.

All civil actions or proceedings presented for filing must be accompanied by this certificate.

X The undersigned declares that the above entitled matter is filed for proceedings in the CENTRAL District of the Los Angeles Superior Court under Section 392 et seq., Code of Civil Procedure and Rule 300 Sections 3 and 4 of this court for the reasons checked below

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above designated district is:

The false arrest and beating occurred at: 1861 Normandie

(NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR)

ADDRESS

LOS ANGELES,

CALIFORNIA

90010

(CITY)

(STATE)

(ZIP CODE)

## NATURE OF ACTION

## GROUND

- |                                     |   |   |
|-------------------------------------|---|---|
| <input type="checkbox"/>            | 1 Abandonment                           | Petitioner resides within the district                                  |
| <input type="checkbox"/>            | 2 Adoption                              | Petitioner resides within the district                                  |
| <input type="checkbox"/>            | 3 Adoption                              | Consent to out of state adoption, consensor resides within the district |
| <input type="checkbox"/>            | 4 Appeal from Labor Commission Decision | Labor hearing was held within the district                              |
| <input type="checkbox"/>            | 5 Conservator                           | Petitioner or conservatee resides within the district                   |
| <input type="checkbox"/>            | 6 Contract                              | Performance in the district is expressly provided for                   |
| <input type="checkbox"/>            | 7 Equity                                | The cause of action arose within the district                           |
| <input type="checkbox"/>            | 8 Eminent Domain                        | The property is located within the district                             |
| <input type="checkbox"/>            | 9 Family Law                            | One or more of the party litigants resides within the district          |
| <input type="checkbox"/>            | 10 Forcible Entry                       | The property is located within the district                             |
| <input type="checkbox"/>            | 11 Guardianship                         | Petitioner or ward resides within the district                          |
| <input type="checkbox"/>            | 12 Habeas Corpus                        | No action pending, the person is held within the district               |
| <input type="checkbox"/>            | 13 Mandate*                             | The defendant functions wholly within the district                      |
| <input type="checkbox"/>            | 14 Name Change                          | The petitioner resides within the district                              |
| <input type="checkbox"/>            | 15 Personal Property                    | The property is located within the district                             |
| <input type="checkbox"/>            | 16 Probate                              | Decedent resided or petitioner resides within the district              |
| <input type="checkbox"/>            | 17 Prohibition*                         | The defendant functions wholly within the district                      |
| <input type="checkbox"/>            | 18 Review*                              | The defendant functions wholly within the district                      |
| <input type="checkbox"/>            | 19 Small Claims Appeal                  | The lower court is located within the district                          |
| <input type="checkbox"/>            | 20 Title to Real Property               | The property is located within the district                             |
| <input checked="" type="checkbox"/> | 21 Tort                                 | The cause of action arose within the district                           |
| <input type="checkbox"/>            | 22 Tort                                 | One or more defendant(s) reside within the district                     |
| <input type="checkbox"/>            | 23 Transferred Action                   | The lower court is located within the district                          |
| <input type="checkbox"/>            | 24 Unlawful Detainer                    | The property is located within the district                             |

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration was executed on 1-27-2017 at COMPTON, California

THE COURT MAY IMPOSE SANCTIONS OR OTHER PENALTIES FOR FAILURE TO FILE IN THE PROPER DISTRICT.

SIGNATURE OF ATTORNEY

\*Prerogative Acts concerning the right to file in the Central District

CERTIFICATE OF ASSIGNMENT



KELVIN D. FILER  
ATTORNEY AT LAW  
363 W. COMPTON BOULEVARD  
COMPTON, CALIFORNIA 90220  
TELEPHONE (213) 637-8282  
637-8268

ATTORNEY FOR Claimant- DIANE MANUEL

## CLAIM AGAINST A PUBLIC ENTITY

DIANE MANUEL,

Claimant,

vs.

CLAIM FOR DAMAGES FOR ASSAULT  
AND BATTERY, FALSE ARREST

(Gov't Code §§ 905 et seq.)

LOS ANGELES POLICE DEPARTMENT,  
CITY OF LOS ANGELES,  
DOES, 1 through 100, Inclusive

Respondents.

TO: LOS ANGELES POLICE DEPARTMENT and  
CITY OF LOS ANGELES;

This claim is presented on behalf of DIANE MANUEL,  
whose post office address is: 1861 Dunsmuir Avenue  
Los Angeles, California 90019

All notices respecting this claim should be sent to

His attorney: KELVIN D. FILER  
233 West Compton Boulevard  
Compton, California 90220

TELEPHONE: (213) 637-8252  
637-8263

KELVIN D. FILER  
ATTORNEY AT LAW  
363 W. COMPTON BOULEVARD  
COMPTON, CALIFORNIA 90220  
TELEPHONE (213) 637-8252  
637-8268

The date and place of the assault on claimant which gave rise to this claim are: January 19th, 1990 at or near: 1861 Dunsmuir, Los Angeles, California, in front of the residence and on the sidewalk.

Claimant was in her house when Los Angeles Police Officers, surrounded the house and ordered claimant out and handcuffed her. Claimant, while handcuffed, was beaten with nightsticks and dragged on the concrete sidewalk by Los Angeles Police Officers.

Claimant was later taken to the police station and interrogated for five or more hours. Claimant was called foul names and berated while at the Police Station.

Since the beating, claimant has a bruise on her cheek and abrasions on other parts of her body.

Claimant was falsely arrested and beaten while residing in her home.

Claimant has been injured as a result of the assault in an amount greater than \$1,000,000.00 dollars as of the filing of this claim.

Claimants injuries are:

1. General Damages - \$1,000,000.00;
2. Special Damages - Amount to be determined.

Dated: May 17, 1990

  
KELVIN D. FILER

Attorney for Claimant



KELVIN D. FILER  
ATTORNEY AT LAW  
161 W. COMPTON BOULEVARD  
COMPTON, CALIFORNIA 90220  
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1 damages as herein alleged were proximately caused by such defend-  
2 ants.

3 2. At all times herein mentioned plaintiff was and now  
4 is a resident of the State of California, County of Los Angeles.

5 3. Defendants, DOE Officers Nos. 1 to 100, now are and  
6 were at all times herein mentioned employees and agents of Los  
7 Angeles City.

8 4. Defendant CITY OF LOS ANGELES ("CITY") is now and was  
9 at all times herein mentioned a political subdivision of the State  
10 of California, and defendant LOS ANGELES POLICE DEPARTMENT  
11 ("DEPARTMENT") is now, and at all times herein mentioned was, a  
12 department of the CITY.

13 5. Plaintiff is informed and believes and thereon alleges  
14 that at all times herein mentioned each of the defendants was the  
15 agent and employee of each of the remaining defendants and in  
16 doing the things hereinafter alleged, was acting within the course  
17 and scope of such agency.

18 6. On May 17, 1990, plaintiff presented a claim for damages  
19 to the CITY OF LOS ANGELES pursuant to Government Code Section  
20 910 et seq., and in substantial compliance therewith. Said claim  
21 was based on the acts, omissions, events and allegations herein  
22 described and complained of. Exhibit "A"

23 7. Said claim was denied by defendant CITY and a notice of  
24 the limitation provisions of Government Code Section 946.4 was  
25 mailed to plaintiff by defendant CITY on or about 11-31-90, 1990.

26 8. Defendants, POES 1 through 100, inclusive, were law  
27 enforcement officers for the City of Los Angeles and in doing all  
28 of the things hereinafter mentioned, acted under color of law.

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1 authority as such, and under color of the statutes, regulations,  
2 customs and usages of the State of California, the CITY of Los  
3 Angeles and pursuant to the official policy of defendant CITY as  
4 created by defendant CITY of Los Angeles, acting under color of  
5 his authority as such. Los Angeles City has a City policy or  
6 custom that officers, all employees or independent agents, must  
7 follow in arresting and restraining persons. This "manual" was  
8 drawn up by the Los Angeles Police Department and distributed to  
9 all police officers who were required to read them before starting  
10 work for Los Angeles City Police Department.

11 9. At about 5:00 p.m. on January 19, 1990 at 1861 Dunsuir  
12 Avenue, Los Angeles, California, plaintiff's house was surrounded  
13 by police officers of the City of Los Angeles. Plaintiff was ordered  
14 out of her house; handcuffed by Los Angeles police officers; beat  
15 with night sticks by Los Angeles police officers while handcuffed,  
16 and dragged on the concrete sidewalk by Los Angeles Police officers.

17 10. Plaintiff was taken to Police Headquarters and interro-  
18 gated for five or six hours. Defendants DOES 1 through 5 Los  
19 Angeles Police Officers later admitted they made a mistake in  
20 arresting plaintiff.

21 The actions of the police officers involved herein,  
22 were taken under the color of law. They had on official police  
23 type uniforms, handcuffed plaintiff and took her to a Los Angeles  
24 City Jail. The conduct caused a deprivation of plaintiff's rights  
25 and the conduct was the consequences of a Los Angeles City policy  
26 or custom as outlined in a manual prepared by Los Angeles City  
27 officials.

28 11. Plaintiff was not informed of why she was beaten and

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637 8268

1 arrested until after the five hours of extensive interrogation.  
2 Plaintiff was then informed that the Los Angeles Police Department  
3 thought she was involved in some type of kidnapping for ransom.

4 12. By reason of defendants' conduct, plaintiff was deprived  
5 of rights, privileges and immunities secured to her by the  
6 Constitution of the United States and laws enacted thereunder and  
7 by the Constitution of the United States and laws enacted there-  
8 under and by the constitution and laws of the State of California  
9 in that the conduct of defendants was unauthorized and illegal and  
10 amounted to an arbitrary intrusion by defendants into the security  
11 of plaintiff, her privacy and person, and that the contacts on  
12 plaintiff's person, restrictions of her movements, deprived  
13 plaintiff of life and liberty without due process of law.

14 13. In doing all of the things herein mentioned all of the  
15 named defendants and the DOE DEFENDANTS deprived plaintiff of  
16 rights, privileges, and should have known of these rights,  
17 privileges and immunities and that their conduct violated these  
18 rights, privileges and immunities to cause injury to plaintiff.

19 14. As a result of the deprivations of her rights, plaintiff  
20 sustained bruises and abrasions, otherwise was injured, subjected  
21 to humiliation and indignity, and suffered great mental and  
22 physical pain and suffering and distress, all to her damage in a  
23 sum according to proof, and lost wages according to proof.

24 15. Defendants did the things herein with oppression and  
25 malice. Plaintiff is entitled to exemplary and punitive damages  
26 according to proof.

27 16. Plaintiff is entitled to have defendants pay her attorney  
28 fees pursuant to Section 1988 of title 42 of the United States Code.

1 (SECOND CAUSE OF ACTION)

2 (Battery)

3 1. Reincorporates and realleges as if set out in full at  
4 this point, each and every allegation contained in paragraphs  
5 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of the  
6 FIRST CAUSE OF ACTION of Plaintiff herein verbatim.

7 2. While acting under color of title of State law and as  
8 an Officer of the defendant, CITY OF LOS ANGELES, in line of  
9 duty, the defendant designated as officers DOES 1 through 5,  
10 uniformed officers, did then and there intentionally, wilfully,  
11 maliciously, wrongfully, and without cause, justification,  
12 provocation and while the plaintiff did, then and there, have her  
13 hands held tightly and behind her, and while the plaintiff was  
14 totally defenseless, did viciously hit, kick, strike and beat  
15 the plaintiff with a billy club, thereby causing the plaintiff  
16 severe personal injury. All of said outrageous acts were  
17 committed with the intent to inflict serious emotional harm,  
18 serious physical injury on the plaintiff.

19 3. As a proximate result of said wilful, malicious,  
20 oppressive and wrongful conduct, plaintiff was caused to suffer  
21 great emotional anxiety, trauma, fear and intense physical pain  
22 and suffering in that as a result of the damages inflicted by the  
23 defendant officers DOES 1 through 5, plaintiff was proximately  
24 caused to bleed.

25 4. By reason of the fact that the damages above referred to  
26 were incurred as a result of the malicious, oppressive and  
27 wilfully unreasonable conduct of defendants, officers DOES 1  
28 through 5, which was initiated by all DOE defendant officers.

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617-4268

# EXHIBIT

# 11



1 Law Offices of Richard M. Moore  
 2 419 Santa Monica Boulevard  
 3 Suite 600  
 4 Santa Monica, California 90401  
 5 (310) 393-9323

FILED

05/11/17

*L. J. MONT*

6 Attorneys for Plaintiffs Donald Manuel, Jr., Denise Manuel, Carolyn  
 7 Lahey, and LaTanya Johnson

8  
 9  
 10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 11 FOR THE COUNTY OF LOS ANGELES

12 DONALD MANUEL, JR., et al.,	)	CASE NO. BC 002201
	)	Consolidated with BC020272
13 Plaintiffs,	)	
	)	EXHIBIT LIST
14 vs.	)	
	)	ASSIGNED TO JUDGE HUBBELL
15 CITY OF LOS ANGELES, et al.,	)	
	)	TRIAL DATE: 2/22/93
16 Defendants.	)	TIME: 8:30 A.M.
	)	DEPT: 21

17 Thereupon all parties having met and conferred wish to lodge  
 18 the following documents as Exhibits:

- 19 ~~1.~~ Medical report and itemized statement from Hawthorne  
 20 Doctors Group regarding Donald Manuel, Jr.;
- 21 ~~2.~~ Medical report and billing from Southgate Dental Group  
 22 regarding Donald Manuel, Jr.;
- 23 ~~3.~~ Three (3) photographs depicting Plaintiff Donald Manuel,  
 24 Jr.'s physical injuries;
- 25 4. Repair bill from West Coast Paint and Body Shop;
- 26 5. Medical report and itemized statement from Hawthorne  
 27 Doctors Group regarding Denise Manuel;
- 28

1. Invoice for garage door repair from Wright and Associates;
- 2.
3. Itemized list of property damage repair and clean-up;
4. Nineteen (19) photographs depicting property damage at
5. 1861 Dunsmuir Avenue;
6. ~~7.~~ Medical report of Claremont College Student Health
7. Services regarding Diane Manuel;
8. 10. Medical report and itemized statement from Hawthorne
9. Doctors Group regarding LaTanya Johnson;
10. 11. Itemized billing of property damage from Plaintiff
11. LaTanya Johnson;
12. 12. Medical report and itemized statement from Hawthorne
13. Doctors Group regarding Carolyn Lakey;
14. 13. Itemized billing for property damage from Plaintiff
15. Carolyn Lakey;
16. 14. Ten (10) photographs depicting property damage at 1843
17. Dunsmuir Avenue;
18. 15. Deposition transcript of Donald Manuel, Jr., taken on
19. July 15, 1991;
20. 16. Deposition transcript of Denise Manuel, taken June 11,
21. 1991;
22. 17. Deposition transcript of Carolyn Sue Lakey, taken on June
23. 12, 1991;
24. 18. Deposition transcript of LaTanya Johnson, taken on
25. November 26, 1991;
26. 19. Deposition transcript of Diane Manuel, taken on June 26,
27. 1991; and

28. //

1 20. Los Angeles Police Department personnel complaint, IA

2 #90-469M

3 DATED: FEBRUARY 8, 1993

LAW OFFICES OF  
RICHARD M. MOORE

7 *Richard M. Moore*  
8 By Richard M. Moore, Esq.,  
9 Attorneys for Plaintiffs Donald  
10 Manuel, Jr., Denise Manuel,  
11 Carolyn Lakey, and LaTanya  
12 Johnson  
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# EXHIBIT

# 12

**FILED**

FEB 11 1993

JAMES H. DEMSEY, CLERK

*L. J. Martinez*  
BY L. J. MARTINEZ, DEPUTY

1 Law Offices of Richard M. Moore  
2 429 Santa Monica Boulevard  
3 Suite 100  
4 Santa Monica, California 90401  
5 (310) 193-9323

6  
7  
8 Attorneys for Donald Manuel, Jr., Denise Manuel, LaTanya  
9 Johnson and Carolyn Lakey.

10  
11  
12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 FOR THE COUNTY OF LOS ANGELES

14 DONALD MANUEL, JR., et. al.,

15 Plaintiffs

16 versus

17 CITY OF LOS ANGELES, et. al.,

18 Defendants.

19 ] CASE NO.: BC002201

20 ] consolidated with

21 ] CASE NO.: BC020272

22 ] PLAINTIFFS' WITNESS LIST

23 ] ASSIGNED TO JUDGE

24 ] RICHARD C. HUBBEL

25 ] STATUS CONFERENCE DATE:

26 ] JANUARY 12, 1993

27 ] TIME: 8:30 a.m.

28 ] DEPARTMENT: 21

TRIAL DATE: FEBRUARY 22,  
1993

21 COMES NOW PLAINTIFFS and lists all witnesses who will be  
22 called at trial, along with a short factual synopsis of their  
23 testimony.

24 1. Donald Manuel, Jr.: Mr. Manuel will testify  
25 in the regard to his actions and the facts that  
26 took place on January 19, 1990, at his residence  
27 on Dunsmuir Avenue in Los Angeles including his  
28 conduct and actions by his vehicle which led to



1 him being assaulted, battered, falsely imprisoned  
2 and having his rights violated pursuant to 42  
3 U.S.C. Section 1983 and the emotional distress as  
4 a result therefrom. Mr. Manuel will also  
5 describe the nature and extent of his injuries,  
6 medical treatment, and damages he sustained.

7 2. Denise Manuel: Ms. Manuel will testify as  
8 to the events that occurred on January 19, 1990,  
9 at her residence on Dunsmuir Avenue in the City  
10 of Los Angeles. Ms. Manuel will testify in  
11 regard to the facts which led up to her being  
12 assaulted, battered, falsely imprisoned and  
13 violation of her rights pursuant to 42 U.S.C.  
14 Section 1983 which resulted in emotional  
15 distress. Ms. Manuel will also testify as to the  
16 extent of her physical injuries, treatment  
17 therefor, and other damages. Ms. Manuel will  
18 also testify as to the extent of the property  
19 damage to the residence.

20 3. LaTanya Johnson: Ms. Johnson will testify  
21 as to the events that occurred on January 19,  
22 1990 in regard to her being assaulted, battered,  
23 falsely imprisoned, and having her rights  
24 violated under 42 U.S.C. Section 1983, which  
25 resulted in emotional distress. Ms. Johnson will  
26 also testify as to the extent of her physical  
27 damages and treatment therefor.  
28

1 4. Carolyn Lakey: Ms. Lakey will testify as to  
2 the events that occurred on January 19, 1990, in  
3 regard to the events on Dunsmuir Avenue, Los  
4 Angeles. Ms. Lakey will testify as to what she  
5 observed occurring to the other plaintiffs in  
6 this action, including her rights being violated  
7 under 42 U.S.C. Section 1983, which resulted in  
8 emotional distress. Ms. Lakey will also testify  
9 as to the extent of physical damage and property  
10 damage to her residence.

11 5. Mark Anfanger: Mr. Anfanger will testify as  
12 to the events he observed on January 19, 1990  
13 from his residence at 1852 South Dunsmuir Avenue,  
14 Los Angeles. Mr. Anfanger observed an officer  
15 punch Donald Manuel in the face and observed the  
16 officers as they placed Donald under arrest.

17 Plaintiffs will also call the officers involved in the  
18 incident. These officers will testify as to the events that  
19 occurred on January 19, 1990 and their participation in those  
20 events. The officers are listed as follows:

- 21 1. Detective Brian Davis;
- 22 2. Detective Jerry Brooks;
- 23 3. Detective John Helms;
- 24 4. Detective Richard Spelman;
- 25 5. Detective John Fruge;
- 26 6. Detective Charles Bennett; and
- 27 7. Detective Norman Jackson.
- 28

1                   Plaintiffs estimate of time for direct examination is  
2                   three (3) days.

3                   DATED: January 10, 1993   LAW OFFICES OF RICHARD M. MOORE  
4

5                   Richard M. Moore  
6                   RICHARD M. MOORE  
7                   Attorney for Plaintiffs  
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JAMES K. HAHN, City Attorney  
THOMAS C. HOKINSON, Senior Assistant City Attorney  
ROBERT J. PULONE, Deputy City Attorney  
1700 City Hall East  
200 North Main Street  
Los Angeles, California 90012  
Telephone: (213) 485-0733

Attorneys for Defendant  
CITY OF LOS ANGELES

**FILED**

JAN 12 1993

JAMES K. HAHN, CLERK

*L. J. JAMES*  
BY L. JAMES, CLERK

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

DONALD MANUEL, JR., et al.,	)	No. BC 002 201
	)	(Consolidated with
Plaintiffs,	)	BC 020 272)
	)	
vs.	)	DEFENDANTS' WITNESS LIST FOR
	)	TRIAL
CITY OF LOS ANGELES, et al.,	)	
	)	STATUS CONFERENCE:
Defendants.	)	Janaury 12, 1993
	)	

TRIAL DATE: February 22, 1993  
TIME: 9:30 A.M.  
DEPT: 21

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

Defendant, CITY OF LOS ANGELES, contemplate introducing the following witnesses during the trial of this case. Defendants reserve the right to call additional witnesses:

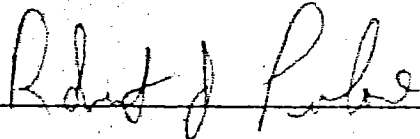
1. John Fruge: Percipient witness, 1 hour direct testimony
2. Brian Davis: Percipient witness, 1 hour direct testimony
3. Rick Spellman: Percipient witness, 1 hour direct testimony
4. John Helms: Percipient witness, 1 hour direct testimony
5. Norm Jackson: Percipient witness, 1 hour direct testimony
6. Jerry Brooks: Percipient witness, 1 hour direct testimony

- 1 Ernie Haleck: Percipient witness, 1 hour direct testimony
- 2 8. Pete Weiretr: Percipient witness, 1 hour direct testimony
- 3 9. Charles Bennet: Percipient witness, 1 hour direct
- 4 testimony
- 5 10. Gary Zerbey: Percipient witness, 1 hour direct testimony
- 6 11. Richard Zlerenberg: Percipient witness, 1 hour direct
- 7 testimony
- 8 12. Clarence Chapman: Expert witness, 1 hour direct testimony
- 9 13. Terry McGee: Expert witness, 1 hour direct testimony
- 10 14. Melvin Rodriguez: Victim, 1 hour direct testimony?
- 11

12 DATED: January 11, 1993

13 JAMES K. HAHN, City Attorney  
14 THOMAS C. HOKINSON, Senior Assistant City Attorney  
15 ROBERT J. PULONE, Deputy City Attorney

16 By

17   
18 ROBERT J. PULONE  
19 Deputy City Attorney

20 Attorneys for Defendant  
21 CITY OF LOS ANGELES  
22  
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## SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE 03/01/93

TIME 10

HONORABLE RICHARD C HUBBELL

JUDGE 1 J. Hubbell  
2 L. L. / Ct. Asst

CLERK

HONORABLE  
9

JUDGE PRO TEM

REGISTERED MAILING SERVICE

G Mack

CSL

Deputy Clerk

Shara Chavez

Register

9:00 am

EC0002201

DONALD MANUEL, JR., ET AL

VS

CITY OF LOS ANGELES, ETC.

Plaintiff

Counsel

Defendant

Counsel

Sent to arbit. 3-26-92

CASE C/W EC0002272

## NATURE OF PROCEEDINGS

CIVIL JURY TRIAL DE NOVO AFTER ARBITRATION PI PD AO

Trial resumes from February 25, 1993 with all jurors, plaintiffs and counsel present as heretofore.

Larry Winston, Clarence Robert Chapman and Terence Sean McGee are sworn and testify for the Defendant.

Defendant's exhibits I and J (each a photograph), K (LaTanya report), L (Denise report), M (Carolyn report) N (questions) and O (answers) are admitted into evidence pursuant to stipulation of all counsel.

LaTanya Johnson and Carolyn Lakey, previously sworn, is recalled and examined by the defendant pursuant to Section 776 of the Evidence Code.

Defendant rests.

Donald Manuel and Denise Manuel, previously sworn, are recalled by the plaintiff on rebuttal phase.

Plaintiff rests on rebuttal. Surrebuttal not offered.

OUT OF THE PRESENCE OF THE JURY

# EXHIBIT

# 13

**NOTICE TO ARBITRATORS**

In order that your award may be entered by our Judgment Section, PLEASE CLEARLY SHOW THE FULL NAMES OF THE PARTIES FOR WHOM AND AGAINST WHOM THE JUDGMENT IS RENDERED. Please make a disposition as to all parties and cross-complaints (should there be one) in the action.

All money awards should be clearly set forth. It must be clear to anyone reading the judgment to whom that sum is due and from whom.

**RECEIVED**

JUL 10 1992

ABILITY SECTION

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

Donald Manuel Jr., et al.,

Plaintiff(s),

vs.

City of Los Angeles

Defendant(s).

**CASE NUMBER**BC 002201 Consolidated with case  
Number BC 20272**AWARD OF ARBITRATOR  
SECTION 1141.10 C.C.P.**

The undersigned arbitrator appointed pursuant to the provisions of Section 1141.10 of the Code of Civil Procedure and Rule 1605 California Rules of Court, having been duly sworn and having heard the cause on June 30, 19 1992, and having considered the evidence of the parties, awards in full settlement of all claims submitted to arbitration as follows:

Judgment for plaintiff Donald Manuel Jr., against defendant City of Los Angeles, in the amount of \$34,000.00;

Judgment for plaintiff Denise Manuel against defendant City of Los Angeles in the amount of \$17,394.00;

Judgment for plaintiff Carolyne Lakey against defendant City of Los Angeles in the amount of \$26,000.00;

Judgment for plaintiff La Tanya Johnson against defendant City of Los Angeles in the amount of \$17,000.00;

Judgment for plaintiff Diane Manuel against defendant City of Los Angeles in the amount of \$25,000.00.

Total \$119,394

☒ Costs are awarded to plaintiff per cost bill to be submitted in the sum of \$

DATED: July 8, 1992

ARBITRATOR

NOTE: Counsel are reminded that when this award is entered it operates as a final judgment of the matter. Therefore, when appropriate, a Satisfaction of Judgment should be filed with the clerk of the court.

CASE NO.

EC002 201  
Cons. w/ EC020 272

Donald Manuel Jr, et al, vs City of L.A., et al

ARBITRATION WAS HELD ON

June 30, 1992

AWARD WAS FILED ON

July 10, 1992

TRIAL DE NOVO  
WAS REQUESTED ON

July 16, 1992  $\Delta$

S/c M/31/92